









THE UNIVERSITY OF CHICAGO  
SOCIAL SERVICE SERIES

*Edited by*

THE FACULTY OF THE GRADUATE SCHOOL OF  
SOCIAL SERVICE ADMINISTRATION



**PUBLIC WELFARE ADMINISTRATION  
IN THE UNITED STATES  
SELECT DOCUMENTS**

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# PUBLIC WELFARE ADMINISTRATION IN THE UNITED STATES

SELECT DOCUMENTS

*By*

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## THE UNIVERSITY OF CHICAGO SOCIAL SERVICE SERIES

### PREFATORY NOTE

The present volume is one of a series of source books in the social service field. The series has been planned primarily to provide adequate scientific material heretofore not available for the use of students in the Graduate School of Social Service Administration of the University of Chicago and other institutions of the same kind. In a report on the work of such schools (James H. Tufts, *Education and Training for Social Work*, 1923), attention was called to the "general complaint of the lack of sufficient source material in form which is most desirable for critical teaching and which can be placed in the hands of all students." The report went farther and expressed confidence that ultimately the schools themselves would meet this need, and added: "Publication of such material is an illustration of what has been previously referred to as one of the two great functions of the professional school, namely, raising the standard of the profession through research and publication."

This volume, with those that have preceded it and the others that are nearing completion and are to follow it, represents an attempt on the part of the members of the Faculty of one of these schools to help to meet this need. It is believed, however, that the different volumes in the series will be useful, not only to those interested in social service, but to those whose interests lie in other departments of the wide field of the social sciences.





## PREFACE

The documents in this volume have been collected in an attempt to set out and to illustrate the problems presenting themselves in connection with the undertaking on the part of the community to secure through public organization certain services now generally characterized as welfare or social services. The custody, care, and treatment of individuals and groups of individuals who labor under some special disadvantage, in whose behalf recognized principles of relief have been developed, and for whose benefit continuous and comprehensive provision should be made, are to a greater or less degree embodied in the governmental organization of all civilized states. It is generally recognized that these services present peculiar difficulties, largely because they are put forth in behalf of individuals unfit to assert themselves and to secure a quality of service equal to that maintained in the great mass of governmental activities.

One reason for this difference between these social and other public services is that in addition to the principles of efficient economical administration that should characterize all public organization, in the case of each of these groups there is a body of professional practice to be acquired and applied. At the same time that this is true, it must also be recognized that the nature of the service—institutional care; relief in the home; care and treatment of children, of the aged, and of the mentally deficient—offers a great number and variety of opportunities for dishonest and corrupt practices. These questions are then difficult as well as important under all systems of government; in the United States there is the additional difficulty resulting from the assignment to the states rather than to the federal government of responsibility for these services.

Brief reference should be made to the subject of terminology. The term "public welfare" is a relatively modern term in the vocabulary of the student or worker in this field. It was first used to describe a department of state government, when, in 1917, the Illinois Civil Administrative Code was adopted. Since that time thirteen states have more or less departmentalized their state governments, and most of them have applied the name "public welfare" to the department deal-

ing with some or all of the aspects of service included in the department bearing that name in the Illinois scheme.

In the period before 1917 the term "charities and correction" was commonly in use, and the services generally designated by those words were the relief of the destitute; the care and treatment of the mentally defective and insane; the education and care of the physically handicapped, that is, the blind, deaf, and crippled; the treatment of the sick poor; the care of dependent and delinquent children; and certain divisions of law enforcement, especially the penal and correctional system.

In collecting the documents, an attempt has been made to set out the general course of development so far as it can be observed; the principles of treatment that should be applied; and the difficulties and special problems that retard progress. It will be noted that the documents are almost exclusively (1) reports of legislative committees or of special commissions of investigation, pointing out the kind and volume of the need for which provision is to be made; (2) statutes by which the establishment of a public-welfare agency is authorized; (3) reports of the authorities set up under such statutes; and (4) discussions in national conferences or similar gatherings evaluating these agencies and proposing their development or alteration.

With reference to the scope of the volume, it should be explained that limited space is given to problems of public provision for child care, because the public organization for child welfare constitutes now so important an aspect of governmental activity as to require a volume devoted entirely to that subject. Such a volume is in preparation, and it is hoped will follow shortly after this one. In the meantime, the documents given here, it is believed, will enable the interested student to attack that problem for himself. Through the publications of the United States Children's Bureau and of certain state departments, that field is made more easily accessible than any of the other divisions of the subject. It is because of the relative accessibility of the material bearing on the problems of public child care and because they must be regarded as special aspects of the larger public-welfare organization that it has seemed best to put out this other more general collection of material first.

A brief word may also be said with reference to the method of presentation. The documents are given in illustration of a principle of rather elementary character and can generally speak for themselves. However, in order sometimes to supply a summary view of the situa-

tion so that the student may judge of the extent to which the situation set out in the document is widely representative, on the one hand, or peculiar and exceptional, on the other, certain facts, summaries of legislation, or other supplementary material are supplied in the notes.

The question may also be asked, Why compile a volume of documents instead of preparing a treatise on the subject of public welfare in the United States? A study of the intricacies and difficulties illustrated by the following documents, and these can serve only as an introduction to the field, will convince the reader that there is an enormous volume of work to be done before a really comprehensive treatise can be prepared. The development in the various states is alike in many respects, because the modern community everywhere finds itself confronted with these problems of distress; all situations are alike in some respects; no two are alike, however, in all respects; and these diversities constitute the interest and the difficulty of the narrative. A further reason for publishing these documents is the hope that they may arouse interest and lead to wider study of this phase of governmental organization and to the increased use of governmental agencies and authorities to provide for the relief of distress and to develop such preventive action as will reduce distress to a minimum.

Something should be said with reference to the methods of classroom instruction applicable to such documents as these. It is obviously not possible to use this volume without other "supporting" literature. A certain familiarity with our governmental organization must be assumed, and in addition to that, some historical material should also be supplied; it is believed that the references in the footnotes give adequate suggestion on this point. Access to the Census and to the reports of state charitable authorities is of course highly desirable; and as many of these public documents can be secured on request, often without charge, it is possible to provide such supplementary facts as give to the documents a comprehensive character. It is also hoped that through the cross-references and the Index the documents may be related to one another and their use facilitated. What will be extracted from the documents will, however, naturally relate itself closely to what of political theory, economic interpretation, and social sympathy and understanding is put into their study.

These materials have been used now for the past five years in mimeographed form with small classes of graduate students in the Graduate School of Social Service Administration of the University of Chicago, and have seemed to serve reasonably well as a useful intro-

*duction to one important group of problems confronting the professional social worker in the United States at the present time. The organization of the state's attorney's office, the general machinery of bringing the accused person to trial, the probation services, are treated as part of the judicial organization and will be dealt with in another volume on Social Work and the Courts.*

In conclusion, I wish to express my renewed indebtedness to Miss Maud E. Lavery, research assistant in the Graduate School of Social Service Administration, for invaluable help in assembling these documents and preparing them for publication, for proofreading, and for preparation of the Index. I am also under obligation for clerical assistance to the Local Community Research Committee of the University of Chicago. Finally, it is a pleasure again to acknowledge the generous gift of Mr. Julius Rosenwald toward the publication of the "Social Service Series," without which the publication of the present volume would not have been possible.

SOPHONISBA P. BRECKINRIDGE

UNIVERSITY OF CHICAGO

March 15, 1927

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## INTRODUCTION

Public welfare administration is a subject of profound interest both to students of political science and to social workers. It is interesting to the student of political organization because of the important effect of the assumption by the state of the care of the so-called "dependent, defective, and delinquent" classes on the development of central or state institutions, as distinguished from local, that is, county and city agencies and institutions.

The subject is important to social workers because the development of honest, competent, skilful public agencies, adequately financed, and staffed with a personnel sufficient both in number and in professional equipment, is basic to sound social work. In all those situations in which the compulsory power of the state must be exercised for the apprehension, detention, care, and treatment of the individual, public welfare work has long been considered necessary, for example, in the care of the insane, the feeble-minded, the delinquent groups. In all those situations, too, in which the cost of comprehensive work is too great for private agencies to carry, such as the maintenance of free hospitals and medical service; in those in which the relatively sparse population brings it about that government is substantially the only agency available for social work, such as the relief of the destitute in rural areas—in all these instances, either there is lacking a private substitute for the public authority or the efforts put forth by the private agency are inadequate unless supplemented by public co-operation.

Most modern civilized states have assumed certain humanitarian tasks. Some of these, as, for example, the care of the insane and feeble-minded, were greatly neglected at an earlier date. Some of them, for example, the care of the orphan child, were largely within the province of the church. Some, as, for example, the enforcement of the criminal law, when public punishment was substituted for private vengeance, were not so much neglected as done with a widely different purpose and often with a different method. Whatever their origin, they have come to be almost universally recognized as appropriate subjects of state action, and provision for them is assumed to be a function for state agencies. Because state provision in these cases is taken for

granted, it is possible to overlook the unsettled questions still awaiting solution; and to ignore the necessity for readjusting older agencies and older methods to new standards and to new conditions of life and work.

In many jurisdictions, it is indeed apparent that the older methods are inadequate and that certain changes should be brought about. To many observers it is becoming clear that, whichever the group under consideration, this work must be based on an adequate knowledge of the need of the individual to whom service is rendered, on the basis of "social diagnosis," followed by an adequate treatment of the special pathological conditions revealed in his situation. That is, the principles of social service and the technique of "case work" are commanding wider acceptance in the public welfare field. As a result, there is developing a body of social practice corresponding to the body of medical, legal, and educational practice, which can be imparted by instruction, shared by conference, and accepted as the possession of a group calling themselves members of a "profession." This profession is gradually securing recognition under the name of "social work" or "social service" or "welfare work," and these terms are being widely applied in the United States and in European countries to the public organization as well as to the private agencies.

In Great Britain, for example, since 1921, the government has annually published a "white paper" giving the cost of the "social services" administered by the public authorities. In this document is made available annually the total expenditure under the insurance acts (health and unemployment), the pensions acts (old age, "war," and other pensions), education acts, industrial and reformatory school acts, inebriates, certain public-health acts (i.e., so far as they relate to hospitals, treatment of disease, maternity, and child welfare), the acts dealing with unemployment, the housing of the working classes, and the relief of the poor, and the lunacy and mental-deficiency acts.

In the United States the situation is much more difficult and complicated than in many other countries, because of the division of powers between the states and the federal government. The development in the different states is varied and uneven and without the stimulus that may be received from a national authority possessing administrative powers in this field. However, uniform standards in some fields are being slowly developed through the influence of certain

<sup>1</sup> *Public Social Services (Total Expenditures under Certain Acts of Parliament)* (205, 1926).

official agencies such as the federal Children's Bureau and the United States Public Health Service, on the one hand, and certain national voluntary and unofficial agencies, on the other hand. This development merits the close attention of the student of public welfare, for out of it is coming a realization of the concern of the entire community in each of these problems which is, perhaps, the soundest basis for continuous and adequate governmental action.

Theoretically, the preference of the social worker would probably be for public rather than private service, wherever there is a well-recognized need and a reasonably widely accepted method of meeting that need. For the social worker can be satisfied with nothing less than a universal provision for a continuous service. And only the state can be both universal and continuous. However, the administration of much of the public social work, especially the Poor Law and the prison system both in England and in the United States, has been so unsatisfactory that many social workers question the wisdom of laying on public authorities any responsibilities other than those which private agencies are unable to carry. These would be the custodial care of those whose liberty of action must be restrained, or the assumption of those tasks clearly too costly for private enterprise.

Since 1854, when President Pierce vetoed Dorothea Dix's bill authorizing grants of public land by the United States to the several states in order that more adequate provision might be made for the care and treatment of the insane,<sup>1</sup> it has been understood that the field of welfare belonged exclusively to the states. Diversity of practice was therefore inevitable, and voluntary agencies for securing agreement and increasingly wide unanimity, while difficult to establish and maintain, were found to be correspondingly important.

However, with the increased intricacy of social life, with its resulting intimacy of association and growing consciousness of the community of interest, it is important that there be a widening appreciation of the true bases for the constitutional limitations under which the government operates. There is needed also a sufficiently exact knowledge of the situation and a clear purpose when the governmental structure proves unsuited to the purposes of a modern, humane, civilized community so to alter it as to adapt it to those ends.

The limitation on federal services in the field of treatment, when the sources of distress are often national or at any rate nation

<sup>1</sup> See Part I, Sec. III, Documents 5 and 6. See also Part III, Sec. V, Documents 6 and 7.

wide in character, places the whole development at a great disadvantage; and it becomes the more important that the discrepancy between the effectiveness of those conditions giving rise to these various forms of need and the effectiveness of the agencies developed in response to the need should be understood both in order that preventive measures may be undertaken and curative treatment provided on an increasingly effective scale and that as rapidly as possible agencies for national service may be developed in ways left open by the Constitution.

Attention should also be called to the lack of public reports under the present system of multiple authorities and to the dearth of information that should be available at regular intervals in such comparable form as to supply the basis for a well-rounded and carefully thought-out policy.

It is needless to point out that a situation very much like that in which the states and the federal government find themselves also exists in the relationship between the various local jurisdictions, the town, the county, sometimes the city, and the state government. This, too, is to be explained by reference to the constitutional limitations under which the legislatures of the states act. The point here is that the structure of the state governments and the distribution of powers as between the local unit, as, for example, the county and the central or state authority, are generally laid down in detail in the state constitutions. The result is that the legislature may find it necessary to create new agencies when it is unable to modify or abolish old offices or to regulate their administration. In the public-welfare field, too, as in other fields it is often of the greatest importance that local initiative be stimulated, and if possible, local administration be relied on. It may, however, be quite impossible for the legislature to secure in any compulsory manner the co-operation of the local authorities either among themselves or with a state authority.

It will appear, then, from these documents that in the field of service in which the state institution or the state agency is the appropriate authority, reasonable progress has been made in efficiency and in adequacy of service; whereas in those fields in which reliance is still placed on the local unit, retardation, archaic methods, and great unevenness in service still prevail. The almshouse, outdoor relief, and the county jail remain with few exceptions the despair of the social worker and of the public-welfare official.

No student of these subjects can, therefore, remain long unaware of the question as to the proper balanced relationship between the

local and the central agency. In the United States there is a twofold struggle: one for a national minimum; another for forty-eight state minima and for a consequent reduction in the cost and the waste growing out of the multiplicity of jurisdictions responsible first for the legislation and second for the administration of these important tasks.

Another question to be considered is that of the proper assignment of duties as between public and private undertakings. In that connection, a word should be said as to the meaning of "public" as used in the following discussion, and as to the distinction between "welfare," or its older form "charities and correction," and the legal conception of a charity. By "public" in the following discussion is meant action or structure authorized by law and supported by taxation.

The law to which appeal for authority may be made may be the common law, as, for example, in the use of the Grand Jury for purposes of visitation and reporting on institutions and agencies.<sup>1</sup> Frequently, provision<sup>2</sup> is made in the constitution, but most often it is to a statute that reference for authority must be made.<sup>3</sup> The subject of public charity in the sense in which the lawyer uses that term is not presented in this volume.<sup>4</sup>

<sup>1</sup> Part I, Sec. I, Document 6, "Josiah Quincy's Charge to a Grand Jury." The general doctrine of public nuisance would suffice to explain the use of the grand jury.

<sup>2</sup> Part I, Sec. II, Document 12, "Prison Inspection"; also Part II, Sec. II, Document 22, "*People v. Lewis*."

<sup>3</sup> There are the occasional agencies established by the city, as, for example, the Chicago Department of Public Welfare. See *Chicago Municipal Code of 1922*, chap. 64.

<sup>4</sup> The following definition indicates the scope of the field of public charity from the strictly legal standpoint:

"A gift is a 'public' charity when there is a benefit to be conferred on the public at large, or some portion thereof, or upon an indefinite class of persons. Even if its benefits are confined to specified classes, as decrepit seamen, laborers, farmers, etc., of a particular town, it is well settled that it is a public charity. The essential elements of a public charity are that it is not confined to privileged individuals, but is open to the indefinite public. It is this indefinite, unrestricted quality that gives it its public character. Without undertaking to be technically accurate, a 'purely public' charity may be defined as one which discharges, in whole or in part, a duty which the commonwealth owes to its indigent and helpless citizens. Undoubtedly, it is the duty of the state to educate its poor children, and thus fit them for discharging the duties of citizenship; to care for the indigent insane, its helpless orphans, and its poor who are sick and afflicted; and therefore any institution which, serving no selfish interest, discharges, in whole or in part, any such duty, is a purely public charity. Thus, if an institution is one of the benefits of which the public generally are entitled to enjoy, it is then a purely public charity—public, because although

A third question of importance is that of the relative efficiency of the part-time volunteer service of a number of persons as compared with the full-time compensated service of a much smaller number. This is the question of the boards of trustees of institutions as compared with the single board of control or the board of administration. This problem presents itself especially in the period from 1890 to 1915. After 1917, when Illinois departmentalized its administration,<sup>1</sup> the question arose as to the relative efficiency of the board form of authority and the single-headed department form of organization.<sup>2</sup>

Another problem to which attention is directed is that of the assignment of tasks as among the different divisions of the government: that is, the question of the scope and meaning of "welfare." In that connection, attention may be briefly directed to a principle of administration which called forth within the past decade a considerable amount of discussion. This is a principle laid down by a British Committee on the Machinery of Government which together with a *Report*

not owned by the public, its uses and objects are wholly public, and for the benefit of the public generally, and in no sense private as being limited to particular individuals. Notwithstanding these general rules it is usually held that a charity is none the less public because it is limited in its operation to the members of a particular sect or society, so long as it is wholly altruistic in the end to be attained and no private or selfish interest is fostered under the guise thereof; though there are cases which lay it down that none is a public charity which the state is not under obligation in the first instance to endow for the use of the very class to be benefited. Under this latter view the fact that a charity is limited in its operation to the members of a particular organization or association has been held to deprive it of its purely public character, for it is said that the word 'public' relates to or affects the whole people of a nation or state. A charity may restrict its admissions to a class of humanity, and still be public; it may be for the blind, the mute, those suffering under special diseases, for the aged, for infants, for women, for men, for different callings or trades by which humanity earns its bread, and as long as the classification is determined by some distinction which involuntarily affects or may affect any of the whole people, although only a small number may be directly benefited, it is public; but when the right to admission depends on the fact of voluntary association with some particular society, then a distinction is made which concerns not the public at large. The public is interested in the relief of its members, because they are men, women, and children, not because they are members of some social organization. A home, without charge, exclusively for Presbyterians, Episcopalians, Catholics, or Methodists, would not be a purely public charity."—5 *Ruling Case Law*, p. 293.

See Part III, Sec. IV, Document 4.

<sup>1</sup> *Illinois Revised Statutes* (Smith-Hurd, 1925), chap. 127.

<sup>2</sup> Part III, Sec. I, is devoted largely to this question.

of another Committee on the Transfer of Powers is looked upon as the basis for the reorganization of the British administrative machinery.<sup>1</sup>

The first of these committees dealt with the relative effectiveness of different principles determining the allocation of functions to departments of government, and in particular with the question whether those functions should be determined on the basis of (a) persons or classes served or (b) on the basis of the kind of services to be rendered. It is significant that this committee adopted squarely the principle that functions should be assigned on the basis of the service to be performed, and the argument is so persuasive and the principle so attractive that the statement is given here at some length:

In addition to the two problems of the constitution and procedure of the Cabinet, and the organization of enquiry and research, there is another which it is essential to solve for the smooth working of the executive as a whole. Upon what principle are the functions of Departments to be determined and allocated? There appear to be only two alternatives, which may be briefly described as distribution according to the persons or classes to be dealt with, and distribution according to the services to be performed. Under the former method each Minister who presides over a Department would be responsible to Parliament for those activities of the Government which affect the sectional interests of particular classes of persons, and there might be, for example, a Ministry for Paupers, a Ministry for Children, a Ministry for Insured Persons, or a Ministry for the Unemployed. Now the inevitable outcome of this method of organization is a tendency to Lilliputian administration. It is impossible that the specialised service which each Department has to render to the community can be of as high a standard when its work is at the same time limited to a particular class of persons and extended to every variety of provision for them, as when the Department concentrates itself on the provision of one particular service only, by whomsoever required, and looks beyond the interests of comparatively small classes.

The other method, and the one which we recommend for adoption, is that of defining the field of activity in the case of each Department according to the particular service which it renders to the community as a whole. Thus a Ministry of Education would be concerned predominantly with the provision of education wherever, and by whomever, needed. Such a Ministry would have to deal with persons in so far only as they were to be educated, and not with particular classes of persons defined on other principles. This

<sup>1</sup> Great Britain Ministry of Reconstruction, *Report of the Machinery of Government Committee* (Cd. 9230, 1918): see also Cd. 8917, Local Government Committee, *Transfer of Powers*; see also Cd. 9211, *Memorandum on Ministry of Health Bill*.



method cannot, of course, be applied with absolute rigidity. The work of the Education Department, for example, may incidentally trench on the sphere of Health, as in the arrangements of school houses and care for the health of scholars. Such incidental overlapping is inevitable, and any difficulties to which it may give rise must in our opinion be met by systematic arrangements for the collaboration of Departments jointly interested in particular spheres of work. But notwithstanding such necessary qualifications, we think that much would be gained if the distribution of departmental duties were guided by a general principle, and we have come to the conclusion that distribution according to the nature of the service to be rendered to the community as a whole is the principle which is likely to lead to the minimum amount of confusion and overlapping. In this way such divisions of the business of Government as Health, Education, Finance, Research, Foreign Affairs, and Defence would each be under separate administration, the Cabinet being in a position of supreme executive direction, and Parliament holding the various Ministers directly responsible to it for the efficiency of the service with which they were respectively charged.<sup>1</sup>

The following documents will, however, bring out the impossibility of giving wide application to any such principle as is set forth in these paragraphs, and will suggest the necessity of keeping attention focused on the need presented by the different groups of persons in distress and on the response by the individuals to the kinds of treatment undertaken, until an adequate body of experience is at hand on which to base a general policy. Public authority is administered through human agents in relation to human need, and far larger bodies of fact with reference to the response of individuals to different kinds of treatment than are yet available are required before many of the questions presented by these various efforts to deal with distress can be given conclusive answers.

The unsettled state of opinion on these points is indicated by the frequent changes in the nature of the agencies set up in the field of public welfare and the variety of scope as among the different jurisdictions. The documents in Part II, Section I, and in Part III, Section I, and the lack of any definite, recognizable principle in the proposals during President Harding's administration to create a federal department of public welfare (Part III, Section V) bring out this point.

Still another subject claiming attention is that of the relative ineffectiveness of the ordinary agencies of government for successful administration of public welfare activities and the consequent apparent

<sup>1</sup> Extract from Great Britain Ministry of Reconstruction, *Report of the Machinery of Government Committee* (Cd. 9230, 1918), pp. 7-8.

necessity of supplying not only the special agencies to do the tasks but additional agencies to supervise and report upon the work done. The documents in Part II, Section III, especially emphasize this question.

The situation here may be described somewhat as follows: A member of a modern civilized community desires the public revenues to be applied to the performance of certain services in behalf of persons who are often helpless and inarticulate. Those persons are unable to make known the fact that the services are not such as are desired and intended by the great body of taxpayers. It is therefore argued that a special agency should be created to make sure that the proper standards are maintained and that any departure from those standards is reported. The question is one on which there are still wide differences of opinion, perhaps especially between those who devote their attention to questions of efficiency and social workers who emphasize the importance of further knowledge of the human factors involved in social treatment.

Five main questions, then, may be said to emerge from an examination of the development in this field of governmental organization: (1) the relative adjustment as between local and central authority in the states and the possible expansion of national, i.e., federal influence; (2) the relative value of the services of volunteer part-time officials as compared with those of a much smaller number of full-time salaried officials; (3) the relative efficiency of the single-headed as compared with the board form of authority; (4) the scope and range of duties intrusted to the welfare authority and the relation of welfare activities and agencies to the other divisions of the administrative organization; and (5) the question of the peculiar necessity of supervision in this field as a function independent of the provision for reasonable uniformity and comprehensiveness in the service.

In the following sections, an attempt has been made to present certain important documents dealing with each of these questions. Attention is directed especially to the two questions: first, the degree to which centralization is to be desired as against local administration, second, the extent to which principles of concentration of control are effective as against supervisory direction of decentralized administration. However, it is also important to ask two additional questions: (a) the degree to which the varied aspects of institutional administration have been professionalized and can therefore be intrusted to officials selected by civil-service methods; and (b) the degree to which methods

of business organization are applicable to institutions and agencies caring for the wards of the states. There is also the question of the standard of care that should be given these wards of the state as compared with the standard of life of the great mass of the population. What, for example, can the state afford to do? What are the costs of leaving these tasks undone?

*The main thread of development that has been followed is, therefore, that of the structural growth of nation-wide, though not national, provision for the relief and treatment of certain forms of distress, and especially the development of state-wide agencies. The institutions and agencies to which attention must be given are in some cases ancient institutions such as the almshouse, the outdoor-relief system, and the jail. In some cases, as in the care of the insane, of the feeble-minded, of dependent or delinquent children, organization has in some jurisdictions taken on a more modern and efficient aspect, and advances in knowledge are reflected in improved service to the group under care.<sup>1</sup> In others, belated attitudes and forms of treatment survive. It is of great interest to social workers that improved standards anywhere should be reflected in the widest and swiftest adoption of those improved methods everywhere, and the question of ways and means of speeding up such a process is therefore of paramount concern.*

<sup>1</sup> Note, for example, the recent use in Massachusetts of the Department of Mental Diseases in connection with the treatment of persons accused of certain offenses (see Part III, Sec. 1, Document 13, B).

**PART I**  
**PRIOR TO 1863**



## INTRODUCTORY NOTE TO PART I

A view of public charitable organization in the United States suggests the division of the subject on a chronological basis into three periods: (1) that prior to 1863, when the first state board or central state authority was created in Massachusetts; (2) from 1863 to 1917, when the first department of public welfare was established in Illinois; and (3) from 1917 to the present time.

During the first period, three main subjects suggest themselves as indicating and forecasting the later development. First, the local character of the early Poor Law administration<sup>1</sup> and the combination in that administration of tasks that were at once relief and police measures, such as enforcing support of the destitute by their relatives and such as those having to do with the apprehension of vagabonds. The doctrine of *venue* brought the administration of the criminal law dealing with felons into the hands of local authorities for purposes of detention until trial, and all dealings with the petty misdemeanant were in the hands of local authorities. Section I of this part is devoted to documents illustrating these points.

The second development to which attention should be directed, and to which Section II especially calls attention, is the establishment of state institutions for certain groups of persons. The sources of poverty, vagrancy, and mendicancy were national in England; and, in the United States, they were by no means exclusively local; the machinery for relief, aid, conviction, and punishment were, however, largely, if not exclusively, local.

<sup>1</sup> ["In each commonwealth the fabric of the public charitable institutions rests upon the quicksands of the poor-law, which few study and probably none understands. It was said of the English poor-law, by the commission appointed to investigate its workings, that there was scarcely one statute connected with the administration of poor-relief which had produced the effect designed by the legislature, and that the majority of them had created new evils and aggravated those which they were intended to prevent. The same is substantially true in many of our own States, and especially in the older commonwealths, such as New York and Pennsylvania, where the legislatures have not been careful to repeal existing legislation when enacting new laws. The result is a tangle of statutes which cannot be rationally interpreted because they have no rational basis. The courts construe them from time to time, because they must, and not because they know how" (Amos G. Warner, *American Charities: A Study in Philanthropy and Economics*, p. 311).]

The waste of the law of settlement and the inadequacy of the local administrative unit for the larger undertakings such as the erection and maintenance of almshouses and jails, and other institutions of treatment or detention, are now obvious. The gradual discovery of those features of the early administration is one pathway toward the realization of the need of a central agency in this field of authority. In addition to this, however, it became evident that certain groups must be given specialized treatment. Sometimes the proposal was for a regrouping of local units; but, in general, the state was looked to as a more efficient substitute for local units.

For example, at an early date, some of the Colonies took action, looking toward the functioning of the central authority in the care or detention of certain groups of persons now recognized as in need of special treatment. King Philip's War brought out in Massachusetts the responsibility of the province for certain "unsettled poor"; in 1769, Virginia established a state institution for the care of the insane, an example followed by Kentucky in 1822, when the Lexington Asylum was authorized. State provision for the detention of persons convicted of felony was made in Pennsylvania in 1790, in New York in 1797, and in Kentucky in 1798. Kentucky in 1822 provided for a state institution for the deaf, while in other localities the problem of their instruction was being attacked by private benevolence; and Ohio in 1837 took the same action with regard to the blind. In 1847 a state institution for delinquent boys was established by Massachusetts, and in 1851 idiots were in New York added to the list of the "wards of the state."

In other words, in different sections of the country these state institutions were being established. The form of the organization was that of an unsalaried board of trustees, appointed usually by the governor and senate, who were asked to assume the responsibility for selecting the site of the institution, overseeing the erection of a building for which they determined the plans, and appointing the responsible executives of the institution. The members of the staff thus organized were supposed to provide decent, comfortable, suitable living accommodations, with proper diet and with suitable arrangements for the use of the time and labor power of the patients, as well as to furnish that degree of expert care or treatment recognized at the time as necessary or desirable.

The most superficial examination of their duties reveals the fact that the services to be secured involved both such professional skill

as that of the medical, nursing, educational, disciplinary expert, and technical ability in engineering, dietetics, agriculture, and purchasing, as well as the unspecialized services characteristic of all establishments in which human beings live together.

These boards of trustees reported to the governor or legislature, and the recurring appropriation or the grant of enlarged resources depended on the presentation of their annual statements. There was, possibly, a standing committee of each branch of the legislature, and from time to time a special committee of one house or the other was set up to investigate a particular institution. Or a special committee might be called on to survey the entire situation and to make recommendations. There was, too, always the Grand Jury who might report on the conditions existing in an institution in the county in which the jury was sitting, and the governor was, of course, theoretically keeping his eye on the entire administration for which he was responsible. But the lack of an efficient, specialized, continuous, unifying influence became apparent, the creation of such an authority was recommended, and in 1863 the first central board was set up in Massachusetts.

In the third place, two lines of experience suggested at an early date an appeal for aid to the federal government. The first of these was the interstate service rendered by certain institutions, notably those for the deaf, and an appeal based on this service met with a favorable response in the case of the Connecticut and the Kentucky schools for the deaf. The second was the universality of the need and the inadequacy of the state resources to meet that need in the care of the insane. An appeal based on this argument, magnificently framed, was approved by Congress in 1854 but finally denied when President Pierce vetoed, on constitutional grounds, Dorothea Dix's statute assigning 10,000,000 acres of the public land to the states for the support and treatment of their insane, and 2,500,000 for the education of the deaf. Neither the earlier grants to the schools for the deaf nor Miss Dix's later statute provided for such federal supervision, inspection, and reporting as would have assured what might be called a "national standard" in treatment. They recognized, however, a national responsibility; and, as in the later development in the educational field, would undoubtedly have brought proposals for the creation of federal administrative agencies.



## SECTION I

### INTRODUCTORY NOTE

The influence of the English Poor Law has been of constant and of great importance in the development of American public-welfare administration. In this section, the student is asked to review the methods used under the Poor Law in England, and attention is called to certain administrative principles made clear by English experience. *Among the problems presented are the questions of the size of the administrative unit; the methods employed to secure income; the relation between the statutory officials designated to carry out its provisions under the act and the magistrates; and, finally, the methods of treating destitute individuals.*

The result of the experience tended to create pressure toward a larger unit of administration, toward clearer distinction between executive and judicial functions, toward the substitution of ideals of adequacy for those of "less eligibility," and toward a recognition of the relation between the disorganization and dislocation of industry and the phenomena of misery.

In some of the commonwealths in the United States the English Poor Law was copied faithfully so that its very terminology was taken over; and the same results followed that had been experienced in the parent administration. The principle of local administration, resulting in England in friction between parishes and "unions," gave rise in the United States to controversies between towns or between counties. The energy absorbed by these controversies was so great as seriously to impede the development of sound principles of treatment. The result has been that in communities where outdoor relief was a method of helping the destitute, improvement and reform have been sought by substituting almshouse care;<sup>1</sup> and, when a policy of indoor care is adopted, its failure leads would-be reformers to propose outdoor relief as the way out. Whether the scene be in England, in the eastern states, or the middle western or western commonwealths, whatever the location, the small unit of administration and the inadequate understanding of the relation between destitution and social or industrial dis-

<sup>1</sup> See Documents 2 and 3.

organization give rise to the same cruelties and the same failures. The problem assumes special interest when the local jurisdiction becomes densely populated and takes on urban features.

It will appear, then, that there are questions of county, town, and city organization. In the following section these questions are very briefly set out, indicating the hopeless character of any undertaking which leaves untouched the administrative relationships referred to. After the extract from the British Royal Commission of 1909 on the administration of the Poor Law follow two reports, one from Massachusetts, one from New York, showing the early recognition in the United States of evils like those with which England was attempting to deal. These are followed by documents illustrating the development under urban conditions of agencies to deal with the same questions. The documents selected for this purpose are taken from those which trace the development of the Department in New York City,<sup>1</sup> where the growth of numbers of persons in distress and requiring assistance, called for the creation of elaborate administrative machinery. There are likewise documents illustrating the uses to which the Grand Jury may be put and the local character of jail and Bridewell administration.<sup>2</sup> It will appear from later sections<sup>3</sup> that the establishment of state supervision has had little effect on the methods and standards of those institutions and agencies remaining under local jurisdiction, so that the almshouse, public-outdoor relief, and the jail remain almost as universal a source of despair as at any earlier time.<sup>4</sup>

<sup>1</sup> See Documents 5 and 8.

<sup>2</sup> See Documents 6 and 7.

<sup>3</sup> See below, Secs. II and III in Part III.

<sup>4</sup> See, for example, Estelle M. Stewart, *The Cost of American Almshouses*, "U.S. Bureau of Labor Statistics Bull. 386" (Washington, D.C., 1925); Emil Frankel, *Poor Relief in Pennsylvania*, "Pennsylvania Department of Public Welfare Bull. 21" (1925); Harry C. Evans, *The American Poor Farm and Its Inmates* (Des Moines, 1926); Chicago Community Trust, *Reports Comprising the Survey of the Cook County Jail* (Chicago, 1922); Alexander Johnson, *The Almshouse* "Russell Sage Foundation Publications." See below, Part III, Secs. II and III.

## THE LOCAL CHARACTER OF EARLY WELFARE ORGANIZATIONS AND OF LAW-ENFORCING AGENCIES

### 1. The Poor Law before and after 1601<sup>1</sup>

5. *Origin and antiquity of the Poor Law.*—In order that its true place and value may be assigned to the Poor Relief Act 1601 (43 Elizabeth, c. 2), it is necessary to take cognisance of the working of the Poor Law before and after that date. The Act of 1601 was a temporary measure. It was according to Lord Coke “a probationer.” Its details were largely a reproduction of an earlier Act—39 Elizabeth, c. 3. The chief purposes of the Act of 1601 were, in the words of the statute:

- a) For setting to work the Children of all such whose Parents shall not by the said Churchwardens and Overseers, or the greater Part of them, be thought able to keep and maintain their children;
- b) And also for setting to work all such persons, married or unmarried (as) having no Means to maintain them, use no ordinary or daily Trade of Life to get their Living by;
- c) And also to raise weekly or otherwise (by taxation of every Inhabitant, Parson, Vicar and other, and of every Occupier of Lands, Houses, Tithes Improprate, Propriations of Tithes, Coal Mines or saleable Underwoods in the said parish, in such competent Sum and Sums of Money as they shall think fit) a convenient Stock of Flax, Hemp, Wool, Thread, Iron, and other Ware and Stuff, to set the Poor on Work;
- d) And also competent Sums of Money for and towards the necessary Relief of the Lane, Impotent, Old, Blind, and such other among them being Poor and not able to Work;
- e) And also for the putting out of such Children to be Apprentices, to be gathered out of the same Parish, according to the Ability of the same Parish;
- f) And to do and execute all other Things, as well for the disposing of the said Stock, as otherwise concerning the Premises, as to them shall seem convenient.

6. The Act indeed closed a series of experimental legislation which throughout the Tudor period was concerned with those whom at one time it was usual to class as the impotent poor.

<sup>1</sup> Extract from Great Britain, *Report of the Royal Commission on the Poor Laws and Relief of Distress* (reprinted from the Parliamentary Paper Cd. 4499 of Session 1909), Vol. I (being Parts I–VI of the *Majority Report*), Part III, pp. 80–98.

7. The Tudor Acts which thus culminated in the Statute of 1601, as well as those preceding them, had largely in view the prevention and regulation of begging. The well-known authority, Dr. Burn, in his *History of Poor Law*, writes:

*Regulation and restriction of begging.*—First, the poor were restrained from begging at large, and were confined to beg within certain districts (11 Henry VII, c. 2; 19 Henry VII, c. 12; 22 Henry VIII, c. 12). Next the several hundreds, towns corporate, parishes, hamlets, or other like divisions were required to sustain them with such charitable and voluntary alms, as that none of them of necessity might be compelled to go openly in begging, and the churchwardens or other substantial inhabitants were to make collections for them, with boxes on Sundays, and otherwise by their discretions. And the minister was to take all opportunities to exhort and stir up the people to be liberal and bountiful (27 Henry VIII, c. 25). Next, houses were to be provided for them by the devotion of good people, and materials to set them on such work as they were able to perform. Then the minister after the Gospel every Sunday was specially to exhort the parishioners to a liberal contribution (1 Edward VI, c. 3). Next the collectors for the poor on a certain Sunday in every year, immediately after Divine Service, were to take down in writing what every person was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him. If he still refused, the minister was to certify such refusal to the bishop of the diocese, and the bishop was to send for and exhort him in like manner. If he stood out against the bishop's exhortation, then the bishop was to certify the same to the justices in session and bind him over to appear there; and the justices at the said sessions were again gently to move and persuade him; and finally if he would not be persuaded, then they were to assess him what they thought reasonable towards the relief of the poor. And this brought on the general assessment in the 14th year of Queen Elizabeth (5 and 6 Edward VI, c. 2; 5 Elizabeth, c. 3).

8. In 1567 Thomas Harman published a book, *A Caveat or Warning for Common Cursetors*, and, according to the statements it contained, the beggar's trade was at that time thriving. Twenty years later, Harrison, in his *Description of England*, published in 1586, estimated that, though not quite sixty years had passed since the trade began, the beggars numbered about 10,000.

9. The last Statute in Dr. Burn's Summary—the 14 Eliz., c. 5—aimed at the suppression of the roaming beggar by a measure also designed for the local care of the aged, decayed, and impotent. The Justices by Sec. 16 were empowered to appoint meet and convenient places for the habitations and abidings of the latter class. Those who

refused to be bestowed in the appointed abiding places or left them to beg were to be punished as rogues or vagabonds (Sec. 18). The Act may also deserve mention as recognising the principle of non-resident relief. It seems that Bath and Buxton were the resorts of a great number of the poor, who repaired "to the baths there for ease of their grief." These persons were to be not only licensed by Justices, but also "provided for by the inhabitants of such hundreds, parishes or places from whence they shall so be licensed to travel."

10. It should be added that the 14 Eliz., c. 5, was shortly afterwards amended by the 18 Eliz., c. 3, and that the later Act required provision to be made of a competent stock of wool, hemp, flax, iron, or other stuff to be delivered to the poor, who might work the stock into yarn or other matter, and receive payment according to the desert of the work. For those who refused or spoilt work or went abroad begging or lived idly, houses of correction were to be provided.

11. The Act of 1601 was, as we have said, passed for a limited period. It was, with other Acts, renewed at the beginning of the reigns of James I and Charles I. In the reign of Charles I (1641) it was made perpetual. Each occasion saw a new development. Thus on the first renewal an amendment to facilitate apprenticeship was introduced; while on the second renewal this amendment was coupled with the provision that the churchwardens and the overseers of the poor in the said Act made in the three and fortieth year (of Queen Elizabeth) may, "with the consent of justices," set up, use, and occupy any trade mystery or occupation, only for the setting on work and better relief of the poor of the parish, town or place, of or within which they shall be churchwardens or overseers, any former statute to the contrary notwithstanding. Even after 1641 there is ground for the belief that the operation of the Statute of Elizabeth was for many years partial.

12. These extracts seem to show that:

1. Parochial chargeability;
2. Repression of begging, except where authorized;
3. The provision of employment as a means of assistance;
4. The care of the lame, the impotent, the old and blind who are poor, and are unable to work;
5. The setting to work and apprenticeship of children; and
6. The free use of the house of correction for the idle and the petty offender;

were the principles dominating the Acts passed for the relief of the poor. It may be noted that the appointment to the office of Overseer under the Act was compulsory, and that the office was unpaid.

## LEGISLATION IN THE EIGHTEENTH CENTURY

13. As regards Poor Law, the eighteenth century was one of experiment and criticism. Everyone is familiar with Adam Smith's exposure of the effects of the Law of Settlement in obstructing the mobility of labour, and with his denunciation of the law as "an evident violation of natural liberty and justice." An Act of 1795 removed the principal hardship by forbidding the removal of persons from any parish until they became actually chargeable to the rates. But, apart from this, two marked and opposite policies emerged during the century.

14. The 9 Geo. I, c. 7 (1722), had two notable effects. First, it limited the power of the Justices, who appear to have formed the habit of ordering relief to any applicants who came to them, without the knowledge of the parish officers, by enacting that no one should receive relief from the Justices until oath were made before such Justice of some matter that he should judge to be a reasonable cause, and until the person had applied to a Vestry or to two of the Overseers and had been refused relief. Second, it went far to establish a workhouse test. Parishes, either singly or in combination, were empowered to provide houses and contract with any persons "for the lodging, keeping and maintaining, and employing" of poor persons, and "to take the benefit of their work, labour and service." And "no poor who refused to be lodged and kept in such houses should be entitled to parochial relief."

15. The immediate result of this was a diminution of expenditure. But returns to Parliament, some fifty years later, in 1776, and again in 1786, showed that, judging from the state of several parishes, the charge of maintaining their poor had advanced very rapidly, notwithstanding the aid of workhouses, and perhaps as rapidly as in those parishes which have continued to relieve the poor by occasional pensions at their own habitations. According to the data available at the time, it was estimated that poor relief expenditure, which in 1701 amounted to about £900,000 for the year, had increased to £1,250,000 in 1760.

16. The 22 Geo. III, c. 83 (1782), known as Gilbert's Act, insisted on the failure of the previous Act, both as regards the increase of expenditure and the increased sufferings of the poor. Power was now given to adjacent parishes to unite by voluntary arrangement into a Union or Incorporation and build a workhouse for the combined parishes. And the 29th section provided that no persons should be sent to such poor house except such as were become indigent by old

age, sickness, or infirmities, and were unable to acquire a maintenance by their labour . . . . and orphan children. For the able-bodied, the Guardians were ordered to find suitable employment near their own homes. Under this Act, power was again handed back to the Justices; they were to appoint and control visitors and paid Guardians; and by these visitors and Guardians poor relief was to be administered. . . .

#### OUTDOOR RELIEF OF THE ABLE-BODIED IN KIND

25. The "most usual form" of this relief was that of "relieving the applicants, either wholly or partially, from the expense of obtaining house room."

26. One form of this was the exemption from rates given, "almost always" in the case of parishioners, "frequently," in the case of non-parishioners. One evil effect of this was, in some places, a speculation in building small tenements—yielding the owner a rent heightened by the exemption—and these of the worst and most unhealthy kind. "In order to make out a case for the non-payment of rates, it is necessary to have inconveniences and defects."

27. But in many places the rent of the parish paupers was paid out of the parish fund. . . .

#### OUTDOOR RELIEF OF THE ABLE-BODIED IN MONEY

28. When the outdoor relief of the able-bodied was afforded in money—the more prevalent system—this was generally effected by one of five expedients.

##### I. RELIEF WITHOUT LABOUR

29. In many districts this was so common as to have acquired the technical name of "relief in lieu of labour," and was favoured as saving trouble and expense.

30. The sums were sometimes small—"insufficient for complete subsistence"—and given under the condition that the applicant should shift for himself and give the parish no further trouble.

But it is more usual to give a rather larger weekly sum, and to force the applicants to give up a certain portion of their time by confining them in a gravel-pit or in some other enclosure, or directing them to sit at a certain spot and do nothing, or obliging them to attend a roll-call several times in the day, or by any contrivance which shall prevent their leisure from becoming a means either of profit or of amusement.

##### 2. ALLOWANCE

31. This form of relief, known in Berkshire as "make-up" or "bread-money," was the parochial relief which a person employed by

individuals at the average wages of the district obtained on account of his children; sometimes a sum to meet occasional wants, sometimes a certain weekly sum or, more frequently, the value of a certain quantity of flour or bread, to each member of the family. In some places this had matured into a system, forming the law of a whole district, sanctioned and enforced by the Magistrates, and promulgated in the form of local statutes under the name of "scales." By the use of these scales the amount of relief was increased or reduced according to the price of bread. . . .

32. To use a modern term, the weekly sum thus calculated was considered the "living wage" which each household, according to its constitution and numbers, should earn, and, when wages came short of this, they were supplemented according to the scale.

33. There were two ways, however, of calculating the "make-up."

In perhaps a majority of the parishes in which the allowance system prevails, the earnings of the applicant, and, in a few, the earnings of his wife and children, are ascertained, or at least professed or attempted to be ascertained, and only the difference between them and the sum allotted to him by the scale is paid to him by the parish.

This system existed in the southern counties, and was extending itself in Yorkshire, Durham, and the north of England generally. But in other parishes the labourer was not supposed to be earning more than a given sum, and if that were less than the size of the family entitled him to, the parish made up the difference.

34. No consideration was given to the amount of wages earned over the year—only to those earned in the current or the previous week or fortnight. Thus: "Many of those who at particular periods of the year receive wages far exceeding the average amount of the earnings of the most industrious labourer, receive also large allowances from the parish."

35. The effect of placing married and unmarried on a different footing as to relief was, of course, to encourage early and improvident marriages. A child very soon came to be considered as an independent claimant for relief, and entitled to it, though residing with his parents, and though the parents might be in full work at high wages.

### 3. THE ROUNDSMAN SYSTEM

36. Under this system the parish sold pauper labour to the occupiers of property at a certain low price, and made up the difference



between that and the scale allowance. Sometimes the paupers were sold to the farmers at auction. . . .

#### 4. PARISH EMPLOYMENT

37. Although the 43rd of Elizabeth did not authorise relief to be afforded to any but the impotent except in return for work, payment for work appeared to be "the most unusual form" in which relief was administered. Out of over £7,000,000 expended in the year ending March 26th, 1832, for the relief of the poor, less than £354,000, or scarcely more than one-twentieth part, was paid for work, including work on the roads and in the workhouses.

38. This was easily accounted for:

1. When work was paid for, superintendence had to be provided, and this was costly and ineffacious.
2. Collecting the paupers in gangs for the performance of parish work was found to be more immediately injurious to their conduct than even allowance or relief without requiring work.
3. Parish employment did not afford direct profit to any individual.

39. The "work" provided was generally on the roads—sometimes for part of the week, or part of the day, with the intention of inducing and enabling the paupers to find work for themselves. In some of the agricultural districts, the prevalent mismanagement in this respect was found to have created in the minds of the paupers a notion that it was their right to be exempted from the same degree of labour as independent labourers. Hence the adoption in some parishes of eight till four as the hours of work, with one hour off for dinner. "It was a thing unknown before," said the paupers of Great Farringdon, "in this parish or any other, that parish labourers should work as long or as hard as the other classes of labourers."

40. In many places, while the labour exacted was trifling, the parish pay equalled or exceeded the average wage of the district, and wives of the independent labourers were heard regretting that their husbands were not paupers. "If a man did not like his work he would say: I can have 12s. a week by going on the roads, and doing as little as I like." Without adequate supervision, of course, this work turned into a farce; men who bestirred themselves a little were laughed at by their companions.

#### 5. THE LABOUR-RATE SYSTEM

41. This was the sharing out of the labourers who had settlements in the parish by agreement among the ratepayers, each ratepayer em-

playing a certain number, and paying them, not according to the real demand for labour, but according to rental, or acreage, or number of horses kept for tillage or contribution to rates, or some other scale. In default of employment, the ratepayer paid a corresponding sum to the overseer.

42. There were considerable differences of method and distribution, varying almost with each parish adopting this system. But, generally the practice seemed to be, "not a sharing in fair proportions of the burthen amongst all, but a shifting of the burthen from one class to some other"; sometimes from the farmers to those in trade, and sometimes from large occupiers of land to small, or from arable to grass farmers; while in some cases a strong desire was shown to place it upon the tithes. Hence the peculiar injustice of tradesmen and small farmers being saddled with labourers whom they had no means of employing—"working out the labour rate" as it was called—and having to pay in default. The small occupier, who, by himself or with his children, was able to perform all the labour necessary for his little farm, was, in the great majority of cases, the severest sufferer.

43. The "indirect and unrecorded loss" sustained by the ratepayers in this way was illustrated by the case of a farmer of 500 acres, paying a poor rate of 10s. per acre, and who had constantly to employ four or five more labourers than he required—costing him another £100—to say nothing of the damage done by worthless labour.

#### OUTDOOR RELIEF OF THE IMPOTENT

44. This—as no profit could be made out of it by individuals—was subject to less abuse: "Even in places distinguished in general by the most wanton parochial profusion, the allowances to the aged and infirm are moderate."

45. Outdoor relief of the sick was usually effected by contract with a surgeon, but the contract generally included only those who were parishioners. On the whole, medical attendance seemed to be adequately supplied, and economically, if only the price and the amount of attendance were considered. . . .

#### INDOOR RELIEF

49. Workhouse relief also was found to be subject to great maladministration. . . . The chief evils were absence of classification, discipline, and employment, and the extravagance of allowances. Children were herded with older people, and soon acquired their bad habits

—particularly was this the case with young girls obliged to associate with the many prostitutes among the inmates; paupers were allowed to leave the workhouse one day a week, and return intoxicated without punishment; prostitutes came in to recruit their health, and returned to their trade, etc., etc. . . .

#### ADMINISTRATIVE MACHINERY

Without going in detail into all the charges made against the various classes, the conclusions may be summed up as follows:

##### I. OVERSEERS

70. The Overseers—generally farmers in the rural districts, shopkeepers or manufacturers in towns—were empowered by law to make, assess, collect, and distribute the fund for the relief of the poor. Serving compulsorily for three, four, six, or twelve months, they might be indicted or fined if they refused or neglected to serve, but they received no remuneration for serving. On the other hand, if they refused relief, or granted less than the applicant thought himself entitled to, they might be summoned before the justices—if, indeed, recourse was not had to more summary forms of remedy, viz., personal violence and arson. As a fact, in many districts, the principal obstacle to improvement was the well-founded dread of these atrocities. . . .

##### 6. MAGISTRATES

81. But there was another local authority which had powers as regards poor relief. The 3 and 4 Will. and Mary, c. 11, after reciting that many inconveniences did daily arise by reason of the unlimited powers of the Overseers who did frequently, upon frivolous pretences, but chiefly for their own private ends, give relief to what persons and numbers they thought fit, prescribed that the poor in each parish should be registered, with date of first receiving relief, and of the occasion which brought the applicants under that necessity; that the register should be produced to the Vestry yearly in Easter-week, when there should be a call over of the persons receiving collections, and a new list made of such persons as the Vestry should think fit to allow to receive collection; and that no other person should receive collection, but by authority under the hand of one Justice of the Peace residing within such parish, or, if none were there dwelling, in the parts near or next adjoining, or by order of the Justices in Quarter Sessions, except in cases of pestilential disease.

82. But owing to loose drafting of subsequent amending Acts, a Justice was enabled, on the pauper's statement of some matter which the Justice should consider to be a reasonable cause or ground for relief, to summon the Overseers to show cause why relief should not be given, and to order such relief as he should think fit. And against this order there was no appeal. . . .

85. The very mode in which their jurisdiction was enforced seemed intended to destroy all vigilance and economy on the part of those who administered relief, and all sense of degradation or shame on the part of those who received it. The Overseer was summoned, perhaps, six or seven miles from his business, or his farm, to defend himself before the tribunal of his immediate superiors against a charge of avarice or cruelty. He seldom had any opportunity to support his defence by evidence; the pleadings generally consisted of the pauper's assertions on the one side, and the Overseer's on the other. The Magistrate might admit or reject the evidence of either party at his pleasure; might humiliate the Overseer in the pauper's presence, with whatever reproof he might think that the Overseer's frugality deserved, and finally pronounce a decree, against which, however unsupported by the facts of the case or mischievous in principle, there was no appeal. It must be remembered, too, that the pauper had often the choice of his tribunal. All the Overseers of a district were, therefore, at the mercy of any two Magistrates, and it might be, even at the mercy of any one. The pauper might select those Magistrates whom misdirected benevolences or desire of popularity, or timidity led to be profuse distributors of other people's property, and bring forward his charges against the Overseer, secure of obtaining a verdict. He appeared in the character of an injured man dragging his oppressor to justice. If he failed he lost nothing, if he succeeded he obtained triumph and reward. And yet persons were found expressing grave regret that the parochial fund was wasted, that relief was claimed as a right, and that pauperism had ceased to be disgraceful.

86. Supposing that such a power to "enforce charity and liberality by summons and fine" ought to exist, there were strong grounds for thinking, that the existing Magistrates were not the best persons to be entrusted with it. In the first place, they were men of fortune, unacquainted with the domestic economy of the applicants for relief, and as unfit, from their own associations, "to settle what ought to be the weekly incomes of the industrious poor" as the industrious poor would be to regulate the weekly expenditure of the Magistrates.

87. And, secondly, the Magistrate, even if he had a general knowledge of the subject, seldom had and seldom could acquire a knowledge of the individual facts on which he had to decide. A pauper claimed 3s. on the ground that his family consisted of five persons, and that he had earned during the last week only 7s. The Overseers believed that he had, in fact, earned more, or that he might have earned more if he thought fit to exert himself, or that the lowness of his acknowledged earnings was the result of a collusion between him and his employer, in order to throw part of his wages on the parish. The Vestry agreed in opinion with the Overseer and the pauper appealed to the Magistrate. . . .

89. It was little wonder that the Overseers complained bitterly of the obstruction given to their exertions by decisions of Magistrates. As one said: "The greatest evil of which I am aware is the facility with which every plan of the vestry or overseer is brought into question on the complaint of the pauper, who selects a kind and often inconsiderately liberal magistrate as his patron."

90. In the towns, again, where investigation into cases was much more necessary and much more difficult, the jurisdiction of the Magistrates was still more objectionable. Summonses were granted indiscriminately, and relief ordered almost as indiscriminately. One ridiculous case was quoted where fifty paupers in a body came to the Overseer and demanded immediate relief on a Magistrate's order, and where the Overseer insisted on the whole fifty cases being gone into separately before the Magistrate, only to receive the reply that: "To examine into these cases of fifty paupers, at five minutes per case, would take four hours and ten minutes, which is impossible to be done, and unnecessary, inasmuch as it was the duty of the overseer to have enquired into the cases himself, and relieved the deserving, and rejected the undeserving." . . .

#### REMEDIAL MEASURES

92. Reviewing the evidence thus presented, one may well understand the statement of the Commission<sup>1</sup> that the most pressing of the evils described were those connected with the relief of the able-bodied, and that these were the evils, therefore, for which they would first propose remedies.

<sup>1</sup> That is, the *Poor Law Commissioners' Report of 1834*; reprinted [Cd. 2728] 1905.

93. If evils such as these—or evils resembling or even approaching them—were necessarily incidental to the compulsory relief of the able-bodied, they would not, they said, have any hesitation in recommending its entire abolition.

94. But they did not believe those evils to be its necessary consequences; they believed that, under strict regulations, adequately enforced, such relief might be afforded safely and even beneficially. In all extensive communities circumstances would occur in which an individual might be exposed to the danger of perishing from want. To refuse relief, and at the same time to punish mendicity when it could not be proved that the offenders could have obtained subsistence by labour, was repugnant to the common sentiments of mankind; it was repugnant to them to punish even depredation, apparently committed as the only resource against want. In all extensive civilised communities, therefore, the occurrence of extreme necessity was prevented by almsgiving, by public institutions supported by endowments or voluntary contributions or by a provision partly voluntary and partly compulsory, or by a provision entirely compulsory, such as might exclude the pretext of mendicancy.

95. But in no part of Europe except England had it been thought fit that the provision, whether compulsory or voluntary, should be applied to more than the relief of *indigence*, the state of a person unable to labour, or unable to obtain, in return for his labour, the means of subsistence. It had never been deemed expedient that the provision should extend to the relief of *poverty*; that is, the state of one who, in order to obtain a mere subsistence, was forced to have recourse to labour. . . .

98. It appeared to the Commission that the abolition of partial outdoor relief to the able-bodied, and particularly of money payments, should come into universal operation at the end of two years, and, as respected new applicants, at an earlier period, and that the chief remedy should be the reception of the able-bodied paupers in a well-managed workhouse.

99. As to how such workhouses could be provided and the requisite management enforced, the Commissioners had no difficulty in showing that this could be obtained only if parishes were amalgamated and incorporated for the purpose.

## 2. The Josiah Quincy Report of 1821 on the Pauper Laws of Massachusetts<sup>1</sup>

The committee to whom was referred, at the last session of the General Court, the consideration of the pauper laws of this Commonwealth, with directions to report, whether any, and if any, what amendments or alterations may be made therein, with leave to report by bill or otherwise, ask leave to

### REPORT

That they have been prevented from making as complete and general an investigation of the state of our pauper laws, and on their bearings on different parts of the Commonwealth, from the delay of some of the towns and the neglect of others, in complying with the request of the House of Representatives made relative to this subject at their last session. Your committee have the satisfaction, however, to state that, although the incompleteness of the returns from all the towns in the Commonwealth renders it impossible for them to present as full a survey of the interests and relations of this great subject as it demands, yet, that the number of the returns which have been made and the general intelligence, precision, and zeal to fulfill the wishes of the Legislature displayed in them, enable your committee to present some views touching the object of their appointment which they deem important, and which go far to establish conviction in the mind as to the course to be pursued, and to indicate what further details of information are necessary in order to enable the Legislature to adopt the course, with satisfaction to themselves and the public.

In the opinion of your committee it is of the highest consequence that all the relations of the subject should be well considered, and the facts and reasons upon which any course may be adopted is founded should be well understood, not only by the Legislature, but by their fellow citizens, previously to any material change in the existing laws. From the nature of the subject, any change, to be beneficial, must obtain not only a sanction from the sentiment but a co-operation of the active support of the community. It will probably require in some parts of the Commonwealth that some prejudices should be yielded; and that some usual and long-established habits of distributing public charity to the poor should be altered. Those who may be called to abandon these prejudices and habits will be more likely to give efficient

<sup>1</sup> Massachusetts, General Court, Committee on Pauper Laws, *Report of Committee to Whom Was Referred the Consideration of the Pauper Laws of the Commonwealth*, 1821; reprinted in *Charities*, Vol. III, No. 18 (September 30, 1899), pp. 2-7.

support to any system which may be recommended if the conviction of their understandings shall precede the exertion of legislative authority. Your committee, therefore, will deem a material part of their duty fulfilled if they are able to draw the attention of their fellow citizens to the principles connected with the subject; and by illustrating them from the experience of another nation, as well as of their own, if they prepare their minds to adopt and to co-operate in the establishment of such a system as, after such an investigation, shall be found thus sanctioned and supported.

It was impossible for your committee, while contemplating the effect of the existing poor laws in Massachusetts, not to turn their attention to the state of the same subject in England. In this part of the British nations a system of pauper laws prevails having the same original and a similar principle with our own, and it will be found not only that the results of her experience are, in a remarkable degree, similar to our own, but also that the reasonings and opinions of her statesmen and writers on public economy, founded on that experience, are singularly coincident with the facts detailed, and the opinions expressed, in almost every important document obtained from the returns of the overseers of the poor in Massachusetts.

In contemplating these coincidences the anxiety of your committee was not allayed, but, on the contrary, their sense of the vital importance to Massachusetts of adopting a just system upon this subject, was in an extreme degree augmented by a comparison of the effects of their common pauper system upon the pecuniary resources of England and upon those of this Commonwealth. The returns of the towns, under the request of the Legislature at their last session, being in point of number but a little more than half of all the towns in the Commonwealth, it is impossible for your committee to compare the gross aggregate of all the pauper expenses of this Commonwealth with those of Great Britain. But if the proportion of the increase of the payments out of the treasury of this Commonwealth for the last twenty years be taken as an evidence of the proportion of the increase of the pauper burden on Massachusetts, then the proportion of the increase of the pauper burden on Massachusetts has exceeded in a given number of years the proportion of the increase of the pauper burden of Great Britain. It appears by an official statement made in the year 1816 to the House of Commons, and published in a report of a select committee of that house on the poor laws, that the proportion of the increase of the British poor rate between the years 1785 and 1815 was, in round



numbers, from two millions sterling to five millions; in other words, there was *an increase of three-fifths in thirty years*. According to an annexed statement of the treasurer of Massachusetts it appears that the increase of the payments out of the treasury of this State on pauper accounts, between the years 1801 and 1820, was, in round numbers, from twenty-eight thousand dollars to seventy-two thousand; in other words, *an increase of three-fifths in twenty years*. Without pretending to assert that the state of the payments out of the treasury of the State is a true criterion of the increase of the whole amount of pauper burden in Massachusetts, your committee do consider themselves justified by the fact in concluding that the pernicious consequences of the existing system are palpable, that they are increasing, and that they imperiously call for the interference of the Legislature in some manner, equally prompt and efficacious.

It is well known to the General Court that the evils of pauperism in Great Britain have of late years become so desperate and malignant in their nature as to have been a subject of parliamentary investigation, and that the causes of those evils and their remedies have been the source of more controversy, and given rise to as great a number of publications in that nation as perhaps any other subject whatsoever.

Your committee, as far as they have had opportunity, have availed themselves of all the light to be derived from those sources, in the prosecution of their researches, and without availing themselves, intentionally, of the language or particular course of thought of any of the English writers; they ask leave to state, in a very short and abstract way, their general view of the light derived from these sources as it concentrates upon and illustrates certain particular and important points in the actual condition of pauperism in Massachusetts.

The principle of pauper laws is that of a state, or public, or, as sometimes called, a compulsory provision for the poor. The poor are of two classes: first, the impotent poor, in which denomination are included all who are wholly incapable of work, through old age, infancy, sickness, or corporeal debility; second, the able poor, in which denomination are included all who are capable of work of some nature or other; but differing in the degree of their capacity and in the kind of work of which they are capable.

With respect to the first class, that of poor absolutely impotent, were there none other than this class there would be little difficulty either as to the principle or as to the mode of extending relief.

But another class exists, that of the able poor, in relation to which,

and from the difficulty of discriminating between this class and the former and of apportioning the degree of public provision to the degree of actual impotency, arise all the objections to the principle of the existing pauper system. The evils, also, which are attributed to this system of diminishing the industry, destroying the economical habits and eradicating the providence of the laboring class of society may all be referred to the same source, the difficulty of discriminating between the able poor, and of apportioning the degree of public provision to the degree of actual impotency.

This difficulty cannot, apparently, be removed by any legislative provision. There must be, in the nature of things, numerous and minute shades of difference between the pauper who, through impotency, can do absolutely nothing and the pauper who is able to do something, but that, very little. Nor does the difficulty of discrimination proportionally diminish as the ability in any particular pauper to do something increases. There must always exist so many circumstances of age, sex, previous habits, muscular or mental strength, to be taken into account that society is absolutely incapable to fix any standard or to prescribe any rule by which the claim of right to the benefit of the public provision shall absolutely be determined. The consequence is that the admission or rejection of the claim to such relief is necessarily left to the discretion of overseers, or to those who are intrusted by law with the distribution of the public charity.

The necessity of intrusting this discretion, the class of society to which it must be intrusted and the circumstances and feelings under which such distribution must be made are the proximate causes of the evils resulting from a public or compulsory provision for the poor.

From the nature of things this discretion will always be intrusted to men generally in easy circumstances; that is, to the prosperous class of society. "The humanity natural to this class will never see the poor in anything like want when that want is palpably and visibly brought before it, without extending relief." Much less will this be the case when they have means placed in their hands by society itself applicable to this very purpose. In executing the trust they will almost unavoidably be guided by sentiments of pity and compassion, and be very little influenced by the consideration of the effect of the facility or fullness of provision to encourage habits of idleness, dissipation and extravagance among the class which labor. "They first give necessities, then comforts; and often, in the end, pamper rather than relieve."

If the means placed under their control are confined to provision for

the poor, in public poor, or almshouses, the effect of these dispositions and feelings appears in the ease with which admission is obtained, the kindness with which the poor are treated during their residence and in the superiority of the food of the public table to that to which they have been accustomed. If those means consist of funds, the same temper and feelings predominate in their distribution. It is laborious to ascertain the exact merit of each applicant. Supply is sometimes excessive; at others, misplaced. The poor begin to consider it as a right; next, they calculate upon it as an income. The stimulus to industry and economy is annihilated or weakened, temptations to extravagance and dissipation are increased in proportion as public supply is likely or certain or desirable. The just pride of independence so honorable to man in every condition is thus corrupted by the certainty of public provision, and is either weakened or destroyed according to the facility of its attainment or its amount.

Views of this kind connected with the experience of England under the operation of her poor laws have led some of her most distinguished statesmen and writers on public economy to denounce all public or compulsory provision for the poor as increasing the evil they pretend to remedy and augmenting the misery they undertake to prevent. Thus the Earl of Sheffield, in his observations on the English poor laws, published in 1818, declares that

the tendency of all parochial relief is to encourage the worthless and audacious, to suppress the feelings of pity toward the poor, to lessen their honest exertions, to deprave their morals, to destroy the notions of a provident spirit, to multiply their number, offering a premium for indolence, prodigality and vice, and stopping that course of things by which want leads to labor, labor to comfort, the knowledge of comfort to industry and its consequent virtues, and neglecting that respectable poverty which shrinks from public view; it encourages all those abominable arts which make beggary and parish relief a better trade than labor.

The celebrated Henry Brougham also, in a letter to Sir Samuel Romilly, published in the same year, on the abuse of public charities, lays it down as "a principle which will admit of no contradiction that the existence of any permanent fund for the support of the poor, the appropriation of any revenue, however raised, which must be peremptorily expended, as maintaining such as have no other means of subsistence, has, upon the whole, a direct tendency to increase their numbers." To the class of funds "directly productive of paupers," he refers "all revenues of almshouses, hospitals and schools where children

are supported as well as educated; all yearly sums to be given away to mendicants or poor families, and, above all, the statutory provision for the poor itself."

Your committee, in placing in this strong light the objections to the entire principle of our existing pauper laws, have had no intention to recommend, nor any idea that their investigations would ultimately result in an abolition of those laws altogether in Massachusetts. But they have been induced to this statement from a consideration that to any effectual attempt to ameliorate the present system of the pauper laws a distinct apprehension of the nature of the objections to them should be attained; and the real nature of the evils, as well as the manner in which the causes which induce them operate should be known and made familiar to our fellow citizens. It is apparent, also, . . . that a similar train of thought exists in some parts of this Commonwealth.

Taking it for granted, therefore, that the present system of making some public or compulsory provision for the poor is too deeply riveted in the affections or the moral sentiment of our people, to be loosened by theories, however plausible, or supported by however high names of authority, your committee next turn their attention to the various modes which, it appeared by the returns from the various Overseers of the Poor in this Commonwealth, had been adopted in different towns, and compared the results of their experience with that of Great Britain; so far as they had the means of such comparison. Your committee found these modes to be four:

1. Provision for the poor by letting them out to the lowest bidder, in families at large, within the town.
2. Provision by letting them to the lowest bidder, together; that is, all to one person.
3. Provision by supplies, in money or articles, at their own houses.
4. Provision by poor or almshouses.

As to the first mode, your committee do not consider it as of a nature to require much examination or analysis. It is obviously applicable only to very small towns. That it is exceptionable in its principle is well illustrated by the reflections of the Overseers of the Poor of the town of Danvers, annexed to this report. And how liable to abuses it is may be gathered from the remarks of those of the town of Chilmark, who state "that in that town the average expense of supporting adults and children is about one dollar and thirty cents per head per week; this," they add, "we consider a large sum, but *the poor*

*being sometimes boarded with those who are in want themselves, it is not lost to the town."*

As to the second mode, it partakes of the character of the preceding. It is also, as is well observed by the Overseers of the town of Sutton, "an approximation to the method of supporting them in a poor house and is a diminution of the expense." It is obviously more unexceptionable in other respects than boarding them to the lowest bidder at large.

As to the third mode, provision for the poor by supplies of money or articles at their own houses, the result of the experience of England is unequivocally stated to be that

the discretion of the Overseers of the Poor, exercised in this way, has been the source of abuse, mismanagement and waste; that supplies, if given in money, are mischievous and often misapplied; when given for necessaries, as expended by the men in ale, and by the women for tea and sugar; that when given in articles of food and clothing they were often sold to obtain luxuries, encouraged other applications, checked exertion and promoted habits of indolence and dissipation; and that the great object of English policy ought to be to eradicate this mode of parish support.

Your committee apprehend that the general current of the evidence resulting from the annexed returns from towns, who have adopted the system of poor houses and prohibited parish support in private families, coincides with the general experience of England in this respect.

As to the fourth and last mode, provision by poor, or almshouses, the experience of England has resulted in this, that

in every case where means of work were connected with such houses in united districts, and when they have been superintended by the principal inhabitants, they have been greatly beneficial. This has been done in various parts of England by a number of parishes being united into one district, with evident good effect both as it respects the condition of the poor, and also as to the reduction of the expense.

For this purpose it is obvious that they ought to be well regulated, under the superintendence of the principal inhabitants of the vicinity; and be conducted systematically with strictness and intelligence.

As, however, to the economy of this mode of providing for the poor by means of an almshouse, with a small farm or extent of land sufficient for agricultural purposes attached, your committee apprehend that nothing can be added to the demonstration of its advantages from the annexed abstract of returns from the towns of Rowley, Hubbards-town, Reading, Hingham, Duxbury, Danvers, Roxbury, Newbury-

port, Dorchester, Quincy, Andover, West Cambridge, and Salem, all of which returns contain a mass of information highly honorable to their respective boards of overseers, and well worthy to be disseminated through the state, not only by way of example to other towns, but as presenting, in the apprehension of your committee, a series of facts well authenticated and sufficient to be made the basis of an uniform system of provision for paupers throughout the Commonwealth.

Upon the whole your committee apprehend that the experience both of England and of Massachusetts concur in the five following results, which may be well adopted as principles in relation to the whole subject:

1. That of all modes of providing for the poor, the most wasteful, the most expensive, and most injurious to their morals and destructive to their industrious habits is that of supply in their own families.

2. That the most economical mode is that of almshouses having the character of workhouses or houses of industry, in which work is provided for every degree of ability in the pauper, and thus the able poor made to provide, partially at least, for their own support, and also to the support or, at least, the comfort of the impotent poor.

3. That of all modes of employing the labor of the pauper, agriculture affords the best, the most healthy, and the most certainly profitable; the poor being thus enabled to raise always at least their own provisions.

4. That the success of these establishments depends upon their being placed under the superintendence of a board of overseers constituted of the most substantial and intelligent inhabitants of the vicinity.

5. That of all causes of pauperism, intemperance in the use of spirituous liquors is the most powerful and universal.

Under the conviction of the soundness of these principles and of their general applicability to the existing condition of the Commonwealth, your committee would proceed at once to recommend a system of measures founded upon them, had they only to consult their own sense of duty and expediency. But in coincidence with the opinion expressed in the commencement of this report, considering the greatness of the subject and the importance to the final success of any measures which may be recommended, that the sentiment as well as active support of their fellow citizens should co-operate, they have deemed it sufficient at this stage of proceeding simply to present this elucidation of the general principles connected with the subject, accompanied

by those important details of the experience and opinions of the several towns in this Commonwealth, which are contained in the subjoined document.

The first step towards effecting a remedy of any existing public evil is to make the community realize its nature and to promote a knowledge of its general relations. It will not be difficult to arrange the details of any system which shall be supported by a general conviction of its propriety among the enlightened citizens of the Commonwealth.

Your committee, also, must further remark that although the General Court have great reason to be satisfied with the promptitude and exactness with which their request, made at the last session, was complied with by so great a number of towns, yet the information attained is far from complete, only one hundred and sixty-two towns having made any returns.

To a complete and satisfactory arrangement of the whole subject, an exact knowledge of the number and expense of paupers in every town in the Commonwealth is requisite. And it appears that this can only be with certainty obtained from all by a course of proceedings more authoritative than that of request.

While, therefore, your committee on the one hand are of opinion that no subject more imperiously claims the attention and solicitude of the Legislature, that it is the duty of society by general arrangements to attempt to diminish the increase of pauperism, as well as to make provision for that which is inevitable; that diminution of the evil is best and most surely to be effected by making almshouses houses of industry, and not abodes of idleness, and denying for the most part all supply from public provision, except on condition of admission into the public institution; and that of all modes of employing the industry of the poor, the best is in agriculture; yet, on the other hand, they are also of opinion that no ultimate system should be founded upon these principles, until they have been laid before their fellow citizens for their contemplation. Certainty and general satisfaction being in cases of this nature much more important than expedition.

Your committee, therefore, only recommend that measures should be adopted to communicate to their fellow citizens in the several towns the results of this investigation; that measures should be taken to insure returns from the several towns of the gross aggregate of their several expenses on account of paupers for at least one year, and also the whole number of paupers by each town supported during that year; and that a committee should be appointed, instructed to report at the

next session, a system of Town or District Almshouses, with such rules, regulations and provisions for their management and government as shall be best adapted to promote the great objects contemplated in this report, and conformable to its general principles, in the form of a bill or bills; having a reference to placing the whole subject of the poor in the Commonwealth under the regular and annual superintendence of the Legislature.

For the committee,

JOSIAH QUINCY, *Chairman*

### 3. The Relief and Settlement of the Poor<sup>1</sup>

In obedience to concurrent resolutions of the honourable the Senate and Assembly, of the 16th and 18th of April, 1823, instructing the Secretary of State among other things, "to collect from the several towns cities and counties of this state, such information as would be necessary to give a distinct view of the expenses and operation of the laws, for the relief and settlement of the poor; and also such information from other states, with respect to their poor laws, as would show the effect of those systems, and suggest improvements in our own; and that he communicate an abstract or digest of such information to the legislature," the following report is respectfully submitted.

During a considerable portion of the preceding year, the secretary was engaged in directing his enquiries to every source from which intelligence could be procured, on the subjects embraced in the preceding resolutions. The important nature of those resolutions, no less than his own sense of duty, induced him to use every exertion for aiding in the accomplishment of an object so deeply interesting to the community, as an inquiry into the cause and nature of the evils of pauperism, and the best means for meliorating or removing them. The statistical information thus procured, from different parts of this state, and of the United States, he has now the honor of presenting to the legislature, consisting of *two parts*, in a form as digested and condensed as the subject would admit.

The *first part* exhibits the number of paupers in the several cities, towns and counties in this state; the sums of money expended for their

<sup>1</sup> Extract from New York Legislature, *Report and Other Papers on Subject of Laws for Relief and Settlement of Poor* (in *Assembly Journal* [January, 1824], pp. 386-99, Appendix B; *Senate Journal*, Appendix A); reprinted in *Thirty-fourth Annual Report of the State Board of Charities of the State of New York*, I (1900), 939-43; 945-47; 948-60; 962-63.



maintenance and relief; the sums expended for the costs and fees of justices, overseers of the poor, and constables, in the examination and removal of paupers, and in other incidental services, together with the costs and expenses of instituting, conducting, managing, and defending *appeals* from orders of removal; the number of paupers removed; the ratio of pauperism in each county, and the ratio of taxation imposed on each county for the maintenance and relief of the poor; the amount of taxes raised for that purpose, in the several counties, for the last six years; and extracts of letters from mayors of cities, supervisors and clerks of counties, overseers of the poor of towns, and from other sources entitled to credit; showing the management, general success, and effect of the various local experiments in the state, for the support of the poor, either by towns or in poor houses.

The *second part* exhibits a digest or analysis of the poor laws of most of the states in the union, with extracts from official letters and documents, showing the operation and effect of those laws, together with a view of the state of pauperism in Europe, and brief extracts from works of American and European writers, illustrative of the evils of pauperism, and suggesting plans for their melioration and removal.

Although the information received from the several towns and counties in answer to the communications transmitted to them, is not, in every instance, as full and satisfactory as could have been desired, (as several towns neglected to make returns, and others made imperfect ones) yet it is believed, that sufficient *data* appear for the purposes contemplated by the concurrent resolutions of the Senate and Assembly. It is also observable, that the information derived from some of our sister states, is more limited than had been anticipated.

From these several digests, or abstracts, the following general views, connected with some necessary details, are respectfully presented to the legislature.

The poor of this state consist of two classes—the *permanent* poor or those who are regularly supported, during the whole year, at the public expense; and the *occasional*, or temporary poor, or those who receive occasional relief, during a part of the year, chiefly in the autumn or winter.

Of the first class, according to the official reports and estimates received, there are, in this state, 6,896; and of the last, 15,215; making a grand total of 22,111 paupers. Among the permanent paupers, there are 446 idiots and lunatics; 287 persons who are blind; 928 who are extremely aged and infirm; 797 who are lame, or in such a confirmed

state of ill health, as to be totally incapable of labor; 2,604 children, under 14 years of age, and 1,789 paupers of both sexes, all of whom, though not in the vigor of life, may yet be considered capable of earning their subsistence, if proper labor were assigned, and suitable means used to induce them to perform it, and whose labor might produce at least 150,000 dollars annually to the state. Of the whole number of permanent paupers, the returns and estimates will warrant the assertion, that at least 1,585 male persons were reduced to that state by the excessive use of ardent spirits; and of consequence, that their families (consisting of 989 wives, and 2,167 children) were reduced to the same penury and want; thus presenting strong evidence of the often asserted fact, that "Intemperance has produced more than two-thirds of all the permanent pauperism in the state": and there is little hazard in adding, that to the same cause may be ascribed more than one half of the occasional pauperism. Of the whole number of both classes of paupers, 10,523 are males, and 11,588 females (being an excess of 1,065 female paupers): 5,883, including their children in that number, are either aliens or naturalised foreigners; and 16,228, including also their children, are native citizens.

There are 8,753 children of both classes under 14 years of age, the greater number of whom is entirely destitute of education, and equally in want of that care and attention, which are so necessary to inculcate correct moral habits: It is feared that this mass of pauperism, will at no distant day form a fruitful nursery for crime, unless prevented by the watchful superintendence of the legislature.

In eighteen counties bordering on the ocean, and on the Hudson river, with a population of only 582,225 souls, being somewhat more than a third of our entire population, no less than 12,270 permanent and occasional paupers, are maintained or relieved, being far more than one half of all the paupers in the state. The city of New York alone maintains 1,698 permanent paupers, and relieves 7,858 occasional paupers, being more than three sevenths of all the paupers of both classes, and nearly one fourth of all the permanent poor.

It will hardly be necessary to explain the cause of this great disparity. It will be found in the dense population of that city, and of the large villages and towns, which, from their convenient situation for navigation and commerce, allure to their haunts and recesses, the idle and dissolute of every description.

Populous places have at all times, been burthened with a larger proportion of paupers, than places where a thin or scattered population

is found; and the evil sufficiently indicates the necessity of a rigid police, for compelling the sturdy vagrant to abandon his vicious pursuits: It is due, however, to the intelligence and activity of our municipal authorities, and to the character of our people, to notice the comparatively happy exemption of our cities, from that profligate, and disgusting character of street beggary, which seems to have been entailed on most of the large cities of Europe.

In this state there is one permanent pauper for every 220 souls, and one for every 100 occasionally.

In Massachusetts, one for every 68 souls is a permanent pauper.

In Connecticut, one for every 150.

In New Hampshire, one for every 100.

In Delaware, one for every 227.

In the interior counties of Pennsylvania, one for every 339, and throughout the state, one for every 265.

In Illinois there are no paupers supported at the public expense, or their number is so small that no comparative estimate can be presented.

The information received from the other states in the union will not authorise any clear or satisfactory statement to be made of the ratio of pauperism in those states, although it may be generally remarked, that in Rhode Island, and Virginia, it is less than in our own state, and that in Pennsylvania, Delaware, Rhode-Island and Virginia, where the poor-house system has prevailed for the greatest length of time, and to the greatest extent, the ratio of pauperism, and of the amount of expense is less than it is in any other state in which that system has been more recently or partially introduced. . . .

The next branch of this subject, is the amount of the whole pauper expense which has been borne by the state for several years past.

In the year 1815, according to the returns and estimates received, the whole pauper expense in this state, derived from taxation and the excise duties, amounted to 245,000 dollars. In the year 1819, it had increased to 368,645 dollars, and in 1822, to 470,000. The excise duties during the year 1822, are computed to exceed 66,600 dollars, and the costs and expenses of justices, overseers, and constables, in examining and removing paupers, and in other duties incident thereto, together with the expenses of appeals from orders of removal, exceeded 64,450 dollars. This amount of expense (which, with ordinary management and care alone, would be sufficient to maintain at least 2,148 paupers in an almshouse for a whole year) is certainly too large a deduction from

our pauper funds, not to call for correction, especially when we consider the benevolent purposes for which our poor laws were professedly instituted. 1,796 paupers, among whom were more than 600 children and 320 women, were removed (and many of them while sick and diseased) during the year 1822, to different parts of the state, under orders or warrants of justices, at an expense far exceeding 25,000 dollars; a sum [which] if it had been applied for their support instead of their removal, would have maintained 833 of those paupers for a whole year, being nearly half the number removed. From these orders of removal, there were no less than 127 appeals to the courts of general sessions of the peace, the management and defence of which, cost the litigant parties upwards of 13,500 dollars, a sum equal to the support of 450 paupers for a year.

With respect to the amount necessary for the support of a pauper in an almshouse, it appears to be variously estimated, as much depends on the skill, fidelity, and management of the keeper, the number of paupers supported and able to work, the expense of fuel, the contiguity of the institution to a market town, the economy of the house, and the conveniences for agricultural labour, connected with it. It is believed that with proper care and attention, and under favorable circumstances, the average annual expense *in* an almshouse, having a convenient farm attached to it, will not exceed from 20 to 35 dollars for the support of each pauper, exclusive of the amount of labour he may perform; while *out* of an almshouse, it will not be less than from 33 to 65 dollars, and in many instances where the pauper is old and infirm, or diseased, from 80 to 100 dollars, and even more.

There are few regular and well established poor-houses in this state. In the year 1820, authority was given to erect a house of industry in the county of Rensselaer, and that institution which has been established, and is in full operation, has completely fulfilled, if not surpassed the expectation of its founders.

It would perhaps be proper to mention in this place, that the judicious and satisfactory report made of its management and economy, furnishes very clear and decided evidence of the success of the poor-house system. . . .

From the preceding statement, it will be seen, that the average annual expense for supporting a pauper in the almshouses above mentioned, differs from \$20.28 cents to 53 dollars; but it is proper to add, that a variety of circumstances have concurred to render this inequality so considerable, and the legislature are respectfully referred for par-

ticulars to the extracts of letters from the supervisors of towns, and superintendents of such institutions, accompanying this report. One circumstance, however, is too striking to be omitted: that all those extracts, with but few exceptions, speak in the strongest terms of the efficacy of the poor-house system, the great saving of expense it has produced, and the improved state of the poor, in consequence of adopting this plan for their support.

In most, or all of the towns and villages in the state, where there are no almshouses, the poor are disposed of by the overseers in one of three ways: *First*, The overseers farm them out at stipulated prices to contractors, who are willing to receive and keep them, on condition of getting what labor they can out of the paupers: Or *Secondly*, The poor are sold by auction—the meaning of which is, that he who will support them for the lowest prices, becomes their keeper; and it often happens of course, that the keeper is almost himself a pauper before he purchases, and he adopts this mode, in order not to fall a burthen upon the town: 'Thus he, and another miserable human being, barely subsist on what would hardly comfortably maintain himself alone—a species of economy much boasted of by some of our town officers and purchasers of paupers: Or, *Thirdly*, Relief is afforded to the poor at their own habitations.

The expenses for physicians and nurses, in attending paupers, in towns where there are no poor houses, form a very prominent article in the amount of taxation. Pauperism and disease, except in an almshouse, are generally found associated together, and hence it is, that this item of expense is so much complained of in the towns just alluded to.

After a full examination of the pauper system and its various provisions and results, two questions will probably arise for the consideration of the legislature.

The first is—Ought the whole system to be abolished, and the support of the poor left altogether to the voluntary contribution of the charitable and humane. Or,

Secondly. If the system ought not to be abolished, is it susceptible of improvement, and in what mode can it be best effected?

The affirmative of the first proposition, viz. That there ought to be no compulsory provision for the poor, has many powerful advocates. Men of great literary acquirements, and profound political research, have insisted, that distress and poverty multiply in proportion to the funds created to relieve them, and that the establishment of any poor

rates is not only unnecessary, but hurtful. It is not the design of this report, nor would it be proper, and certainly it would not be possible in the compass of an ordinary report, to enter into a discussion of the merits of a question which has agitated and divided the most distinguished writers both in Europe and America, and has called forth volumes of facts and arguments in support of both sides of this difficult and perplexing question.

It may, however, be remarked, that there is a wide and manifest difference between the character, habits, and manners of the population of this country and those of Europe; besides, pauperism there, has become truly frightful, and almost ruinous; for with a population of one hundred and seventy-eight millions of souls, Europe contains no less than eighteen millions of paupers. The poor rates in England, in the year 1819, exceeded thirty-five millions five hundred and fifty-five thousand dollars, and they are stated to be at present, not less than fifty millions. Now, in this country, the labor of three days will readily supply the wants of seven; while in Europe the labor of the whole week will barely suffice for the maintenance and support of the family of an industrious laborer or peasant.

It is worthy of particular observation too, that every state in the union, and many governments in Europe, have adopted a code of laws for the relief and maintenance of the poor; even in China, the laws of the empire have made provision for their support. All this is certainly no slight proof that the total want of a proper system, would be inconsistent with a humane, liberal, and enlightened policy. Indeed it can hardly be urged, that the idiot and lunatic, the sick, the aged, and the infant (and few others, perhaps, should be made the objects of legal support) ought to be placed in this precarious state for protection and subsistence; and still less will it be pretended, that no provision ought to be made for the education of the children of the poor; and though it is true to a certain extent, that compulsory provision for the relief of pauperism has a tendency to impair that anxiety for a livelihood which is almost instinctive, and thus to relax individual exertion by unnerving the arm of industry: yet the consequence by no means follows, that all provision of that nature should be abandoned, because individual cases of its abuse might, and perhaps necessarily, would exist. A similar objection could be urged against the adoption of any insolvent system because it not only produces great improvidence and neglect in the ordinary concerns of life, but it is also frequently the parent of perjury and fraud. All then perhaps that can be done under

such circumstances, is to prevent or check, in the best manner that human legislation can devise, those excrescences that cannot be eradicated from wholesome and necessary systems, without destroying the systems themselves.

Proceeding then upon the necessity and utility of having a pauper system, the remaining question is, "whether our present laws are susceptible of improvement, and if so, in what manner it can be best effected." Before we can apply a remedy with certainty and success, it is necessary to have a distinct view of the existing evils intended to be removed. That our poor laws are manifestly defective in principle, and mischievous in practice, and that under the imposing and charitable aspect of affording relief exclusively to the poor and infirm, they frequently invite the able bodied vagrant to partake of the same bounty, are propositions very generally admitted. Indeed, the full and satisfactory details given by the society for the prevention of pauperism in the city of New York, and also by the writers of extracts of letters accompanying this report, of the gross abuses which have grown out of these laws, irresistibly force themselves upon the mind, and deserve great attention. Without intending to enter into details, it will be sufficient generally to state, 1st. That our present poor laws (as has already been suggested) lead to litigation of the most expensive and hurtful kind, in appeals and law suits concerning the settlement, maintenance and removal of paupers, exhausting nearly *one-ninth* of the funds intended for their relief, in the payment of fees of justices, overseers, lawyers, and constables, and are at the same time productive of much cruelty in the removal of paupers, frequently at inclement seasons of the year, regardless of the claims of age, sex or condition.

The removal of so many human beings, like felons, for no other fault than poverty, seems inconsistent with the spirit of a system professing to be founded on principles of pure benevolence and humanity. English jurists of celebrity, and among the number, Sir William Blackstone, have reprobated this feature in their poor laws (and from which ours have been copied) as inconsistent with the genius of a free government, and as being an invasion upon natural and inalienable rights.

2d. The poor, when farmed out, or sold, are frequently treated with barbarity and neglect by their keepers. More than one instance has stained our judicial records, in which it appeared that the pauper had suffered such cruelty and torture from his keeper, as to produce untimely dissolution. The British parliament, the Massachusetts legislature, and almost every writer on the subject of pauperism, have con-

demned these modes of providing for the support of the poor, as being wasteful, in regard of economy, and cruel in regard of the paupers themselves.

3d. The education and morals of the children of paupers (except in almshouses) are almost wholly neglected. They grow up in filth, idleness, ignorance and disease, and many become early candidates for the prison or the grave. The evidence on this head is too voluminous even for reference.

4th. There is no adequate provision for the employment of the poor throughout the state, and no industrious habit can be effectually inculcated under our present system. This is indeed a very principle defect. Without providing employment for the poor, no system can be productive of much good, either to the public, or the paupers themselves.

Idleness necessarily generates vice, dissipation, disease and crime.

5th. The poor laws tend to encourage the sturdy beggar and profligate vagrant, to become pensioners upon the public funds. The facilities afforded them, in being placed upon the pauper list, operate as so many invitations to become beggars. Overseers not unfrequently grant relief without sufficient examination into the circumstances or ability of the party claiming it, or without the means of ascertaining them.

6th. These laws also hold out encouragement to the successful practice of street beggary.

7th. Idiots and lunatics do not receive sufficient care and attention in towns, where no suitable asylums for their reception are established.

8th. There is an evident want of economy in the disbursement of the public funds, appropriated for the support of the poor in several towns and counties. In one county particularly (Oswego) the monies raised by tax for the fees of officers, and appeals, exceeded the amount raised for the support of the poor.

Independently of these defects, there are embarrassments attending the execution of those laws, which either prevent their being fully carried into effect, or if resort be had to their provisions, produce enormous expense. The law of settlements has become the most fruitful source of litigation and difficulty. The qualifications necessary to constitute a settlement, are so technical, numerous, and complicated, if not obscure, that even eminent counsel are often at a loss to determine questions arising upon this branch of our pauper system. What then must be expected from the decisions of men, unlearned in our laws, and upon whom their execution is so frequently imposed? It seems, therefore, that some plain, and simple rule defining a settlement,



ought to be adopted. The penalties inflicted by some of our sister states, upon those who bring, or leave paupers within their jurisdiction, have deterred our officers from executing orders of removal, to take paupers out of this state. Thus the principal object intended to be obtained by the law concerning removals, has been almost wholly defeated; nor is there any adequate provision for preventing the practice of fraudulently introducing paupers into towns, cities, or counties, where they do not belong, in order to charge them with their support, and by these means relieve some other towns or counties from the burthen. Paupers even from the Canadas, are thus introduced among us, and become a heavy charge upon our frontier counties. It may be added also, that boards of supervisors do not possess sufficient means of investigating the accounts for maintaining county paupers, presented to them for allowance against the county. These boards cannot subpoena, nor examine witnesses upon oath, touching the justice of the accounts, nor whether the paupers were in fact county paupers; and as overseers of the poor, not unfrequently feel disposed to cast the support of a pauper, rather upon the county, than upon their own towns, the want of this power has been severely felt in several parts of the state.

It has been likewise stated that the provision in our laws which directs a town where a pauper becomes chargeable by sickness or accident, to give notice to the town in which he is legally settled, to pay the expense of his relief, is rendered so difficult and expensive in its execution on account frequently of the remote situation of the latter town, that this provision is rendered almost nugatory.

These are some of the embarrassments attending the execution of our pauper laws; and there are likewise other provisions complained of as defective or unjust; as for instance: Overseers are in some cases liable in their individual capacity for monies adjudged against the towns, and warrants are served upon their property to enforce the payment of those monies. This is more peculiarly oppressive as it is doubted whether the overseers thus made chargeable, have any compulsory process against a refractory town for reimbursement: again—It is represented that the removal of a pauper “from constable to constable,” till he arrives at his place of destination, gives rise to great expense and trouble (to say nothing of its cruelty) much of which might be saved, if the justices could send the pauper the whole distance, under the care of one constable, or (provided it was thought proper by those magistrates) under the care of a person specially de-

puted for the purpose, with all the powers of a constable: and it is objected to the whole system of removals, that until the legal settlement of a pauper shall have been definitely ascertained, by legal adjudication, no removal ought to take place; because, when an order is reversed, the like expense and trouble are incurred, by removing the pauper back again, to the place whence he was first taken. In the city of New York, difficulties have existed in making orders of removal, in cases where, although the county where the pauper was settled was well known, the particular town or towns could not be ascertained with sufficient certainty and precision. Again—it is objected that the provision requiring the assent of a justice to every order for relief, before relief can be afforded to a pauper, is, in cases of extreme necessity, or sudden sickness, such as women in child-birth, wounds, &c. attended with more delay than is consistent with humanity, especially where the magistrate lives 8, 10 or 12 miles from the place where the necessity of the case requires immediate aid and attention. Some other difficulties are suggested, such as the delay and expense attending the making of an order by the court of general sessions upon a father for the support of his son, and *vice versa*; and it is urged, that they indicate the necessity of conferring that power upon justices in towns. Besides, no provision exists for relieving a person in prison, upon civil process, when his settlement is not in the town where the gaol is placed, while persons charged with crimes are relieved at the county expense.

These and other defects have been suggested to exist in our pauper systems, and they certainly require correction.

Until a system therefore can be devised, which, with economy and humanity, will administer relief to the indigent and infirm, incapable of labor, provide employment for the idle, and impart instruction to the young and ignorant, little hope can be entertained of meliorating the condition of our poor or relieving the community from the growing evils of pauperism. "If these duties are performed," says an elegant writer, "then the increased population of our poor, becomes security, power, glory, and dominion. If they are neglected, danger and ultimate destruction."

To devise such a system is confessedly a task as arduous as any that falls within the whole range of political and economical experiment; and statesmen of the most profound talents and extensive research, have lamented their inability to provide a full and competent remedy. All the systems that have yet been devised, have only in a greater or less degree, approximated to the end in view, without having

ever completely reached it. It is then with the greatest diffidence and embarrassment that the secretary has approached the performance of the last duty imposed by the concurrent resolutions of the honorable the Senate and Assembly, to wit: To prepare for their consideration "a law, relieving the state from the evils of pauperism, and affording adequate support to such of the poor as ought to become exclusively the subjects of relief."

In obedience, however, to the directions of the legislature, a bill has been prepared and submitted for revision to the Attorney General, and it is now respectfully presented, accompanying this report. Without professing to believe that its adoption will remove altogether the evils alluded to, (for so long as human frailty and vice prevail, the hope would be vain) it is presumed that it will remove or ameliorate many of them. And it is also confidently believed, that two prominent features of the proposed system, are entitled to much consideration, to wit: First,—It will relieve the poor with greater humanity, and emphatically with more economy, than under the existing poor laws: And, secondly,—It will provide employment for the idle, and compel them to labor, and of consequence put an end to the practice of street beggary. It is obvious, however, that vigilance, fidelity and intelligence, in the officers to whom the execution of this plan is entrusted, are indispensable to those favorable results.

The plan submitted, proposes as improvements to the present pauper system:

*First.*—The establishment of one or more houses of employment, under proper regulations, in each of the counties of this state, with a farm of sufficient extent, to be connected with each institution. The paupers there to be maintained and employed at the expense of the respective counties, in some healthful labor, chiefly agricultural, their children to be carefully instructed, and at suitable ages, to be put out to some useful business or trade.

*Secondly.*—That each house of employment be connected with a workhouse or penitentiary, for the reception and discipline of sturdy beggars and vagrants. The discipline to consist either of confinement upon a rigid diet, hard labor, employment at the stepping mill, or some treatment equally efficacious in restraining their vicious appetites and pursuits.

*Thirdly.*—That the excise duties be increased, and a tax be laid upon the owners of distilleries of whiskey, and other ardent spirits, to compose a fund for the relief and maintenance of the poor.

*Fourthly.*—That *one year's* residence in a county shall constitute a settlement (except in certain specified cases) instead of the present difficult and perplexing requisites of a settlement, which are contained in our poor laws.

*Fifthly.*—That all orders of removal, and consequently appeals, be abolished; persons who claim relief, shall receive it in the county where they become sick or infirm—the healthy vagrant shall be commanded to return to the county where he belongs; and upon refusal, shall be sent to the workhouse, and there treated according to his demerits. It is believed that no order of removal, under the present system, can be so effectual, and certainly none so economical, as the one here suggested.

*Sixthly.*—That no male person in health, with the use of all his faculties, and being between the ages of 18 and 50 years, shall be placed upon the pauper list, or be maintained at the public expense.

*Seventhly.*—That severe penalties be inflicted upon all those who bring to, or leave in, a county, paupers, not legally chargeable to it.

*Eighthly.*—That street beggary be entirely prohibited—Beggars of this description, to be instantly sent to the workhouse; and magistrates shall be subject to indictment and punishment, for any neglect of this duty; and grand juries shall be specially charged to inquire into such neglects, and to present the offenders.

*Ninthly.*—That the expenses of erecting and completing each house of employment, be paid by the county, and raised by tax, in four equal annual instalments.

*Tenthly.*—That persons in prison, on civil process, and their families, shall be maintained, if necessary, at the expense of the county in which they are imprisoned. (For the support of this class of paupers, when imprisoned in towns in which they are not settled, there is at present no legal provision.)

There are several other provisions in the proposed bill; but the foregoing are believed to be the most prominent. It has been supposed unnecessary to state, in this report, the numerous details required to give effect to the system.

From these general views it will be perceived, that the adoption of the poor-house plan, in every county, is recommended by the proposed bill; and it may safely be affirmed, that wherever that plan has been fairly tried, the expense of supporting paupers has decreased 33, and in many instances 50 per cent.

Its advantages over every other system for the support of paupers,

are manifest. The experience of our sister states, offers such clear and conclusive proof on this subject, that a more particular reference to the information obtained from those states, will, it is hoped, prove not unacceptable.

In *Rhode Island*, the establishment of poor-houses has diminished the expense of supporting paupers more than one-third, besides improving the condition of the poor, in order, sobriety, cleanliness, and real comfort. Women wholly unacquainted with household work, have been taught to card, spin, and weave, and to perform such kinds of culinary labor, as are required in the families of farmers; and many of them are now respectably settled in life, living upon the fruits of their industry. Religious services, performed on the sabbath, have been very effectual; and from the utmost disorder and inattention, the paupers have become, in an uncommon degree, silent and attentive auditors. Intemperance is wholly restrained, order is preserved, education diffused, and comfort universally seen in those institutions. In *Pennsylvania*, it is agreed, as well by those immediately entrusted with the execution of the poor laws, as by those whose opportunities have enabled them to pay attention to the subject, that the poor-house system is greatly superior to the plan of each town providing for its own poor; and that the expense of supporting the poor, is not only greatly diminished, but superior accommodation is afforded the paupers in their living. Their convenience to medical assistance, and their preservation from idleness and dissipation, are two important features in the poor-house plan. Several towns in the state of *New Hampshire*, have, within a few years past, purchased farms, with suitable buildings, farming utensils, and stock, and have placed their poor under the superintendence of proper persons, authorised to compel them to labor. Where a fair experiment of this system has been made, the result has been entirely satisfactory. It was adopted in the town of Londonderry, in the spring of the year 1819; and a saving in expense, of more than one half, in three years, has already been the consequence. Wherever work or poor-houses have been established, in the state of *Virginia*, it was invariably found that they diminished greatly the number of paupers. Hundreds of persons before, had been found soliciting pecuniary aid, few of whom would take refuge in a poor-house, but in the last extremity. In *Connecticut*, they are satisfied, that the best and cheapest way of supporting and employing the poor, is by the establishment of alms and work-houses. In *Massachusetts*, as appears from a very full and elaborate report, made in the year 1821, to the legislature of that

state, by a committee appointed to consider the subject of pauperism, a decided preference is given to the poor-house system. In every county in the state of Delaware, there is a poor-house, with a farm attached to it; and the economy and utility of the system there, have been fully tried and demonstrated. The total expense of supporting a pauper in the Newcastle poor-house, in that state, is less than five cents per day. This institution has justly been called "one of the noblest institutions, of the kind, in the world." . . . .

In England, also, the poor-house system has been tried, with great success, in several districts of country; and other European institutions, such as the work-house or *Rasp-house*, in Amsterdam; the *Sal-pêtrière* and *Bicêtre*, of Paris; the houses of industry, at Strassburgh and Hamburg; and the Great *Hospicio*, or general workhouse of Cadiz, have been productive of great benefits, in restraining idleness and beggary, and in relieving the unfortunate and distressed.

So far as the poor-house system has been tried in our own state, it has likewise been attended with success; and a strong and general sentiment seems to prevail in every part of the state, in favor of its adoption. The communications received from many of our public officers, clearly show, that this plan is far preferable to any other. . . .

It is confidently believed, that with such a mass of evidence before us, *there can be no hazard in adopting the poor-house system, in every county in the state*. If, however, there is any county, whose small population, in the opinion of the legislature, would not at present warrant the expense, suitable provision might be made, either for exempting it from the operations of the proposed bill, attaching it to some other county, or directing some small building with a farm to be hired as a temporary poor-house. . . .

Having thus presented to the legislature, as concisely as the limits of a report would authorise, the information which the experience of this state, and of the other states in the union could afford (so far as it was attainable) the secretary respectfully begs leave to refer the legislature to the accompanying abstracts, digests and papers, for such other particulars as could not properly fall within the scope of this report. These will furnish a very valuable and curious body of statistical information, together with many interesting details of the management and success of the various local experiments, to improve the plan of employing and supporting paupers in the state. The opinions and statements of our town and county officers, reflecting the highest credit upon their intelligence, fidelity, and zeal, have contributed much

to the development of the plan proposed for adoption in this report. Whether the remedy here suggested, for the melioration of our present system of poor laws, is worthy of a trial, must be submitted to the superior wisdom and experience of the honorable the legislature; but the secretary indulges the hope, that with the aid of the materials furnished, and of such others as may be acquired, some system will be devised, by that honorable body, to relieve the state from the enormous pressure of its pauper burthens, and check the growing evils of pauperism among us. Arduous as the task may be, and it has been declared by able statesmen, to be "one of the most difficult problems of government," it is yet believed to be not entirely hopeless. The improved state of society, the diffusion of useful knowledge, by means of common schools, and other seminaries, the vast tracts of territory yet to be reclaimed and cultivated, the spirit of enterprise and habits of industry which so generally pervade our country, the purity of our laws, the excellence of all our civil institutions, and our remote situation from European conflicts, oppression and slavery, offer strong inducements for believing that pauperism may, with proper care and attention, be almost wholly eradicated from our soil; and the attainment of such an object, adding no less to the honor of our state, than to the prosperity and welfare of her citizens, has very justly claimed and received the attention of her legislature.

All of which is respectfully submitted.

J. V. N. YATES, *Secretary of State*

#### 4. The Legacy of the Poor Law<sup>1</sup>

We have adhered in New York substantially to the plan which suggested itself to the statesmen of England about three hundred years ago, in the reign of Queen Elizabeth. It is remarkable in other directions with what tenacity we have clung to the legislative theories of that period. We still manage our county highways on the same rude and clumsy plan as was devised in the reign of Philip and Mary; we settle the estates of deceased friends in local courts patterned after those which were permitted to exist in the reign of Henry VIII; we care for our poor in the same disjointed methods as were recognized in the Elizabethan days. The principle running through that legislation was *local support* of the poor with *no general superintendence*. The care of paupers was devolved upon parish officials: we have modified this rule by casting it, at the election of the people, upon the counties,

<sup>1</sup> Extract from Theodore W. Dwight, "The Public Charities of the State of New York," *Journal of Social Science*, II (1870), 83.

though, if the inhabitants prefer, a distinction may be retained between town and county poor, as it is in some counties where the Elizabethan methods are exactly reproduced. Whatever course may be adopted, the results are alike. "The shade in the two cases may be different, but the body of the color is the same."

### 5. The Creation of a City Department<sup>1</sup>

SECTION 1. The alms-house department of the city and county of New-York, including therein the alms-house proper, and the support and relief of the poor, the county lunatic asylum, and the nurseries for poor and destitute children, the penitentiary, the city prison, and Bridewell, and the other prisons and houses of detention in said city, with the hospitals connected therewith, except the sheriff's jail in Elbridge street, and the house of refuge, shall hereafter be under the exclusive control and management of a board of governors, to consist of ten persons, who shall be named and styled the governors of the alms-house.

SEC. 2. Richard S. Williams, Jonathan J. Coddington, Simeon Draper, James H. Titus, (Merchant,) Schureman Halsted, Andrew H. Mickel, William T. Pinckney, Isaac Townsend, J. Phillips Phoenix, Timothy Daley, shall be the first board of governors, and two of their numbers [who] shall be designated by the board, shall go out of office on the first day of January in each year.

SEC. 3. At every general election held in said city and county, one of said governors shall be elected and shall hold his office for five years. No ballot for such governor shall be counted which shall contain more than one name. Immediately after such election, and the county canvass of the votes, if such governor shall be declared duly elected, then it shall be the duty of the mayor of said city, to appoint the person who shall have received the next highest number of votes to the one declared elected, as another governor, and to forthwith file a certificate of such appointment in the county clerk's office. Such two governors shall enter upon the discharge of their duties on the first day of January next succeeding such general election. The one thus appointed shall have the same powers and hold his office for the same term as the one thus elected.

SEC. 4. Said board of governors shall have the full and exclusive power to govern, manage and direct the several institutions herein-

<sup>1</sup> "An Act to Provide for the Government of the Department of Alms and Penitentiary, in the City and County of New York, April 6, 1849," *Laws of the State of New York* (1840), chap. 246. See below Part III, Sec. III, Document 1.



before mentioned, to appoint such wardens, chaplains, physicians and clerks, as may be necessary; to define their respective duties and authority; to prescribe the number and duties of the various subordinates to be employed therein, and to fix the amount of their compensation, and shall generally possess all the power and authority now by law conferred, and be subject to the duties imposed on the commissioner of the alms-house in said city, the common council of said city, and the board of supervisors of said county, in respect to the said department and the said institutions.

SEC. 5. No governor shall, directly or indirectly, be in any way interested in any contract for supplies or for any other purpose, connected with any of the institutions under the control of the board, or in any arrangement by which any pecuniary benefit shall result to himself. It shall be the duty of any governor who may have any knowledge or information of the violation of this provision, forthwith to report the same to the board. Every governor shall, before entering upon the duties of his office, take and subscribe the oath prescribed in article twelve of the constitution, which oath, when subscribed, shall be filed in the office of the county clerk of the city and county of New-York.

SEC. 6. The said governors shall have power to indenture and bind out, as apprentices, during their minority, any minor children under their care and control, by reason of the provisions of this act. If subsequent to such indenture, any father, mother, or other relative, shall give satisfactory security, to be filed in the office of said governors, that such child shall not become a charge to the city and county of New-York, during such minority, thenceforth such indenture shall become void, and it shall be the duty of said governors forthwith to cancel the same. In case any disagreement, as to the sufficiency of such security tendered, shall occur between said governors, the father, mother, or other relative of any child, before such security tendered shall become in any way effectual, it shall be approved by some judge of the supreme court elected or appointed in and for the city and county of New-York.

SEC. 7. The said wardens, chaplains, physicians and clerks, shall hold their offices during the pleasure of the board of governors, and shall receive such compensation as they shall prescribe.

SEC. 8. The said wardens shall respectively have power to appoint such subordinates as may be required to assist in the proper discharge of their several duties, who shall hold their offices during the pleasure of said wardens, but may at any time be removed by the board of governors.

SEC. 9. The said board of governors shall annually, and in the month of January, in each year, make to the legislature and to the common council of the city, a full report of their proceedings, of the condition of the institutions under their charge, and of all receipts and expenditures for the preceding year.

SEC. 10. The said common council shall by committees, by them for that purpose duly appointed, visit and inspect the said department and all of said institutions, at least twice in each year, and shall have power to impeach before the supreme court, any of said board of governors or any officer connected with any of said institutions, and the said court shall have power at a general or special term, to remove any of said governors or officers for due cause shown.

SEC. 11. In case of any vacancy in the board of governors, the remaining members shall fill the same for the residue of the term thus made vacant.

SEC. 12. The board of supervisors of said county shall annually raise and collect by tax upon the real and personal property taxable in the said city and county, such sum of money as said board of governors shall from time to time require for the purposes of this act, to be applied by said governors exclusively to said purposes, and to be accounted for by said governors, which sum shall be in lieu of all taxes in said county for the relief and support of the poor thereof.

SEC. 13. This act shall take effect on the eighth day of May next, and so much of the act entitled "An act for the better regulation of the county and state prisons of the state, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, as confers upon the sheriff of the city and county of New-York, any power or control over any of the prisons named in this act, is hereby repealed: and on and after the first Tuesday of May next, the office of commissioner of alms-house shall be abolished.

## 6. A Charge to a Grand Jury<sup>1</sup>

Let then the community understand,<sup>2</sup> that in all these cases where the court is obliged, by law, to condemn to solitary imprisonment and hard labor, it is deceptive. The sentence is never executed. The real

<sup>1</sup> Extract from Josiah Quincy, *Remarks on Some of the Provisions of the Laws of Massachusetts, Affecting Poverty, Vice, and Crime; being the General Topics of a Charge to the Grand Jury of the County of Suffolk in the March Term, 1822* (Cambridge, 1822), pp. 17-20.

<sup>2</sup> [The grand jury is an ever-present possibility in the field of supervision, available, however, chiefly for the discovery of conditions in the nature of a nuisance.]

sentence is confinement in the county gaol, amid idleness, often without air; without exercise; exposed to the worst society; and under circumstances the least calculated to support the mind under temptation, and the best to corrupt and debase it.<sup>1</sup>

In the course of these inquiries, my engagements have permitted only a personal inspection of the gaols in this vicinity and of the state prison.

Of Boston gaol, I shall say nothing, because its condition is notoriously objectionable. The attention of the community has been long since drawn to it. And more commodious accommodations are in course of preparation.

That at Cambridge, being the best prepared, and under an intelligent and well disposed citizen, is probably as well conducted as any in the commonwealth. Its condition is sufficiently safe and comfortable. It is well ventilated. But how notoriously defective it is in those means of reformation and employment, which the act of February 1819 requires, the public will perceive, by its deficiency in almost every requisite prescribed by that act.

1. The gaol has no cells. In case of sentence, it must therefore be executed in one of the lower rooms; which has a large space, light, and has, in all respects, as little of terror as any room in the gaol. And as to solitude, there is no difficulty in prisoners conversing together from any one room to another.

2. There are no tools provided, nor any materials for work.

3. There is no employment in the gaol.

4. The yard is confined, and employment in it is impracticable, even were it to be attempted.

Of course all the other wise provisions of that act are wholly neglected. It is in effect a dead letter.

A few facts, with which I became acquainted, in consequence of my visit to the gaol at Cambridge, will evince, more than a thousand arguments, the duty of society to restore and to perfect, in efficiency, that system, which was sketched in the act of February 1819.

<sup>1</sup> ["Finally, it must be repeated that the greatest blessing which could come to our charitable work in the way of further differentiation and better classification would be improvements in our judicial and punitive machinery. An inefficient police department and vulgar and corrupt police courts are the greatest "cross" that an active worker for the poor in many of our large cities has to bear. No thorough-going reforms in work for the poor can be perfected until the system of jails, reformatories, and prisons is reformed" (Amos G. Warner, *American Charities: A Study in Philanthropy and Economics*, pp. 296-97).]

There are now in that gaol three boys and three girls. The boys under an original sentence of five years' imprisonment, by the municipal court of Boston. The girls under that of three. These sentences were the least, which, under the circumstances of their offence, the court deemed itself authorized to inflict, in compliance with the law. Two of the boys are under sixteen; all the girls under fourteen years of age.

I visited these children. The room was sufficiently comfortable, for a gaol; well aired and clean. But how were they employed? Sitting opposite to one another, at a board, doing absolutely nothing. *They complained of want of employment.* The keeper had none to give them. The wise provisions of the statute book are but words to catch the sense. There are no means, or materials, of employment, provided by society. The act looks well upon paper. Strangers, who know nothing of our laws but in the statute book, will wonder and admire at the providence of our legislature. But citizens, who know facts and see effects, must feel something like contempt for such provisions; unless, indeed, a higher and a holier sentiment shall invite them indignantly to urge upon their representatives the disgrace, which results to a commonwealth, from wise laws existing in form, and being repealed in effect; from those, who ought to be the fathers of the state, condescending to promise reformation, and under that promise continuing old abuses. What right has society to oblige, by general provisions, its ministers of justice, to condemn children to pass the best years of life, the most important to their future prospects, immured between the four walls of a prison, in utter sloth and idleness, in a situation to incur the worst habits; and exposed to a perpetual influx and efflux of whatever is base, and vicious, and criminal? Their offences, indeed, require restraint and require punishment. Society has a right to inflict both. But it has no right, nor do such crimes require, that youth, in its tender years, should be confined to a moral pest-house, out of which nothing good can ever issue; and where it is inevitably exposed to taints, which will corrupt the whole course of their future existence in this world, and fix their eternal destiny in another.

There is a cold and heartless reply to these arguments; in making which indifference and meanness put on the cloak of philosophy, and wrap themselves round with the oracular air of wisdom. "Those, who commit crimes of atrocious character, are beyond the reach of reformation. All attempts of that kind have proved fruitless." The assertion can be proved false in a thousand instances. Conviction is not always

proof of atrocity, especially in the young. One fact shall suffice, and that taken from the gaol and the subjects in question.

The three girls, above mentioned, were sentenced last October. They remained three months in close confinement. One of them, a girl of twelve years, was so obviously humble, interesting, and contrite, that the keeper took her out of the prison into his own house, to save her from the perdition, with which her confinement among her companions threatened her. She has been now three months at liberty; an inmate in his family. I saw her, active, industrious, happy, and respectable. Neither of these three knew their letters when imprisoned, or any thing of work. This individual could now read, and had been instructed in the usual work of the family, and had every appearance, and her uniform conduct since her release, indicated the existence of good dispositions. If the accommodations of the gaol permitted, even if all the statute provisions were only executed, five children, besides two or three women, less than twenty years of age, (to say nothing of men,) might be employed in this single gaol, and saved from those worst of all corporeal and mental habits, which long continued sloth, and idleness, and vicious companions, induce; and this too without loss to the establishment; the first cost of the arrangements only excepted.

## 7. The Regulation of Houses of Correction and Jails<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be erected or otherwise provided, by the county commissioners in every county of this Commonwealth, and by the mayor and aldermen of the city of Boston, at the charge of such county and city, a fit and convenient house or houses of correction, (where such house is not already provided,) with convenient yards, work shops, and other accommodations thereunto adjoining and belonging, to be used and employed for the keeping, correcting and setting to work of rogues, vagabonds, common beggars, and other idle, disorderly, vicious, and lewd persons. And the yards shall be laid out of sufficient dimensions for the employment of the persons confined therein, and enclosed by a fence sufficiently high and strong to prevent escapes, and all access to, or intercourse with the persons confined therein, by any person from*

<sup>1</sup> Extract from "An Act for the Regulation of Gaols and Houses of Correction, March 29, 1834," *Laws of the Commonwealth of Massachusetts* (1834), chap. 151, pp. 189-91, 193-94.

without the prison yard. And until such house or houses of correction be provided, the common jail in each county may be used for that purpose. But all such county jails shall be surrounded with such yards and fences as are above described.

SEC. 2. *Be it further enacted*, That the county commissioners in each county, and the city council in the city of Boston, shall appoint at their will and pleasure a suitable person, to be master of such house of correction. They shall also establish such rules and orders, (not repugnant to the laws of this Commonwealth,) as may be necessary for the governing and punishing of the persons there confined. And any justice of the peace, or of any police court, or any court of common pleas, may commit unto the said house, to be kept and governed according to the rules and orders thereof, all rogues and vagabonds, and all idle persons going about in any town or place in the county begging, or persons using any subtle craft, juggling, or unlawful games or plays, common pipers, fiddlers, runaways, stubborn children, common drunkards, common night-walkers, pilferers, wanton and lascivious persons, in speech, conduct, or behavior, common railers or brawlers, such as neglect their callings or employment, mispend what they earn, and do not provide for themselves or for the support of their families, upon conviction of any of the offences or disorders aforesaid, complaint thereof having been made in writing. And it shall be the duty of the master of such house of correction, or the keeper of such gaol, to set to work all such persons as shall be duly committed as aforesaid, (if they be able,) for such time as they may continue in said house. . . .

SEC. 6. *Be it further enacted*, That the county commissioners in their respective counties, and the city council of the city of Boston, are hereby empowered to appoint two or more, not exceeding five, suitable and discreet freeholders of their county or city, to be overseers of such house, who shall see that the rules established, by the county commissioners or city council, for the government of the house, and the persons therein confined are duly observed, and also examine the accounts of the keeper, with respect to the earnings of the prisoners and the expense of the institution; and they shall keep a register of all their proceedings fairly written. They shall have power to make contracts for work to be done in the house, with any person disposed to supply the materials, and to make contracts for letting out any of the persons confined, to employers living, in the estimation of the overseers, conveniently near to the house of correction for the overseers or the master of the house to have the general inspection of the persons so let out and

of the treatment they receive. And the overseers shall receive such reasonable compensation as the county commissioners or city council shall allow.

### 8. The Department of Public Charities and Correction of New York City<sup>1</sup>

SECTION 1. There is hereby created in the city and county of New York, the department of public charities and correction. The chief officers thereof shall be four in number, and shall be denominated commissioners of public charities and correction.

SEC. 2. Immediately upon the passage of this act, the comptroller of the city and county of New York shall appoint the said four commissioners, who shall hold their offices for five years. Whenever a vacancy shall occur in said office of commissioner the board shall fill it for the unexpired term by appointment. However, in case of disagreement on the part of said commissioners, such vacancy or vacancies shall be filled by a majority of the judges of the superior court of the county of New York, within thirty days from the time of said vacancy; and in case of the failure of said judges to perform said duty, the board of commissioners shall have the right to appeal to the judges of the court of appeals, to forthwith perform said service, and all appointments and removals from office shall be deferred until such appointment is made and the vacancy or vacancies filled. Three months preceding the expiration of the five years aforesaid, the said comptroller shall proceed to appoint four commissioners for the term of six years. The commissioners first appointed under this act shall immediately take oaths of office and file them with the clerk of the county of New York, and shall then commence their respective terms.

SEC. 3. The said four commissioners shall, together, constitute a board of control over the department hereby created. Three of them shall form a quorum. The board shall appoint one of the commissioners to be president thereof for five years. Each of the commissioners shall receive an annual salary of three thousand dollars. From and after the twentieth day of April, one thousand eight hundred and sixty, the alms house department of the city and county of New York, and the office of governor of the alms house shall be abolished, and thereupon

<sup>1</sup> "An Act to Create in the City and County of New York, the Department of Public Charities and Correction, and to Abolish the Almshouse Department Therein, April 17, 1860," *Laws of the State of New York* (1860), chap. 510. See below, Part III, Sec. III, Document 1.

the books, accounts, vouchers, records and all property of whatsoever nature then or theretofore under management or control of, or in the keeping of the said alms house department, or any governor or subordinate thereof, shall be transferred to the keeping and custody of the board of control of the department of public charities and correction thereby created, and for the use thereafter of said department; but the said property shall forever remain and continue the property of the mayor, aldermen and commonalty of the city of New York, subject to the public uses of said board of control as aforesaid, and for the purposes provided by this act.

SEC. 4. The department hereby created, is hereby empowered and directed to possess and exercise full and exclusive powers for the government, management, maintenance and direction of the several institutions and buildings, and premises and property and appurtenances thereto, which immediately preceding the appointment of the four commissioners aforesaid, were under control of the board of governors of the alms house, and especially of the alms house and work house, of the nurseries for poor and destitute children, and of the county lunatic asylum, and of the Potter's field, or other public burial place of the poor and strangers in the city and county of New York, and especially also of the penitentiary and city prison, and various prisons and houses of detention in said city, which are hereby particularly designated as the institutions of the public correction and charities provided for by this act. But the foregoing shall not relate to the house of refuge, nor the juvenile delinquent asylum, nor the house of detention of witnesses, nor the county or sheriff's jail.

SEC. 5. The department hereby created is hereby empowered by its board of commissioners and of control as aforesaid, to appoint and remove, or by rules provide for appointment or removal of such subordinate officers as it shall see fit, for the purpose of distributing its said powers of government, management and direction as aforesaid, or as hereinafter provided. The said board may define the respective duties and authority of said subordinates, and fix their respective designations of office, and fix their respective compensation. And until otherwise provided for by said board of commissioners, under the exercise of the power of appointment and removal aforesaid, but no longer. The superintendents, wardens, chaplains, physicians, clerks and other subordinates who may be in office or place, over or within the institutions aforesaid, shall remain in office or place, and legally discharge all the duties and fulfill all the powers necessary thereto.



And the said commissioners respectively, and subordinate officers of the said department shall generally possess every power and authority now conferred upon, and be subject to every duty imposed upon the former alms house commissioners, or the board of ten governors, or the individual governors of the alms house, by any law of the state, or by any ordinance, or by any resolution of the mayor, aldermen and commonalty of the city of New York, or board of supervisors of the county of New York, which power, authority and duty may affect or relate to the institutions aforesaid, or their inmates, or their officers, or the late alms house department of the city and county of New York, and is not inconsistent with the provisions of this act.

SEC. 6. No moneys for the purposes of the department hereby created shall be expended by the board of commissioners or under their direction or that of any individual commissioner, unless a proper appropriation therefor has been made, in the manner now provided by law. And no commissioner nor subordinate of the department hereby created shall ever be directly or indirectly interested in any contract for supplies, or for any other purpose connected with any of the institutions, or property under control of the board of commissioners, or subordinates, nor interested, directly or indirectly, in any arrangement by which any pecuniary benefit shall result to himself.

SEC. 7. It shall be lawful to detain in the work house, for the purpose of employment therein, any person who shall have been duly committed to the city prison, the penitentiary or the alms house; but it shall not be lawful for vagrants or paupers, or the recipients of the public charities of the department hereby created, unless they have been before convicted of crime, to be employed in company or in association with persons committed as aforesaid, for offenses other than intoxication, or assault and battery, not felonious. The board of commissioners aforesaid may transfer and commit, or cause to be transferred and committed from the said city prison, penitentiary or alms house, to the said work house, or to any parts of Blackwell's island as are set apart for purposes of public criminal correction (subject to the prohibition of company and association aforesaid), the following classes of persons: persons committed for crime; persons in the alms house; persons applying for relief to the department hereby created, providing their own consent to such transfer or committal be obtained; persons committed by magistrates as vagrants or disorderly persons.

SEC. 8. Every person whose age and health will permit, shall be employed in getting out stone, or in cultivating the grounds under use of the department hereby created, or in manufacturing such articles

as may be required for the ordinary use of all the institutions under the control of the said board of commissioners, preparing and building sea walls around the islands or other places upon which the said public institutions now are or may hereafter be located, or at such mechanical or other labor as on trial shall be found to suit the capacity of the individual. It shall be the duty of the department to use every proper means to furnish convicts and paupers with suitable employment by contract; such employment, however, not to conflict or come into competition with any mechanical or other employment pursued by the people of this state. And in case any convict or pauper shall neglect or refuse to perform the work allotted to him or her, by the person in charge, it shall be the duty of the proper subordinate to punish such convict or pauper by confinement, by being fed on bread and water only, for such length of time as may be considered necessary; which refusal and punishment shall forthwith be reported to said board of commissioners. And in case any pauper shall refuse or neglect to perform the work assigned to him or her on three several occasions, the said board may expel such pauper from the alms house.

SEC. 9. The hours of labor shall not exceed ten per day to each person subject to the discipline of the department, and shall be fixed by the said board of commissioners; and the articles raised or manufactured shall be subject to the order, and placed under the control of said commissioners. All the grounds occupied by the department hereby created, or under the jurisdiction of the said board of commissioners, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department; and the proceeds arising from the sale of articles thus raised, shall be paid monthly into the hands of the board of commissioners, and be by them paid over to the city chamberlain and a memorandum thereof filed with the department of finance of the city and county of New York.

SEC. 10. The said board of commissioners may open in its discretion an account with all paupers, committed to the said work house, charging them with all the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for the labor performed by such pauper; and at the expiration of the term of sentence, if any balance shall be found to be due to them, may pay the same to such pauper in cash at the time of their discharge in the discretion of the board.

SEC. 11. It shall be the duty of the said board of commissioners to cause to be kept and employed, separate and apart from each other,

the paupers and criminals, and as far as possible to cause the latter to be classified, so that the novice in crime may not become contaminated by evil example of, or by association and contact with the more hardened and confirmed.

SEC. 12. Each superintendent, each warden or chief officer of the several institutions under charge of the departments hereby created, shall make his requisitions in writing, on the said board of commissioners, for all articles deemed necessary by the said board, to be used in the respective institutions under his charge, and shall keep an accurate account of the same.

SEC. 13. Each said superintendent, warden or chief officer shall, once in each week, report to the said board of commissioners, the number of persons received, transferred, sick, died, and remaining in the respective institutions under their charge; also the quantity and kind of labor performed; and the said board of commissioners shall make a quarterly report thereof of the board of supervisors of the county of New York.

SEC. 14. The officer having charge of the alms house shall daily send all paupers residing in the alms house, capable of performing any work, and not otherwise employed, to the work house, or such other of the institutions, the city prisons and penitentiary exempted, where they shall be put at such labor as the chief officer thereof may be authorized by the board of commissioners to direct.

SEC. 15. It shall be the duty of the officer in charge of the nurseries to provide suitable employment for all the children under his care, under such regulations and provisions as are hereinbefore provided for, in reference to paupers committed as aforesaid.

SEC. 16. The said board of commissioners shall be authorized to make, from time to time, such rules and by-laws for the management and government of the department hereby created, and especially of each institution, as may seem to them necessary, and which shall not be inconsistent with the provisions of this act, nor contrary to law.

SEC. 17. The said board of commissioners shall, whenever the increase of inmates in, or the proper care and government of, the institutions or establishments on Randall's island, or Blackwell's island or the Bellevue hospital, under their charge, or any other of them, shall, in their judgment, render it necessary or expedient, have power to enlarge, add to or alter the buildings belonging to such institutions, or any one of them, and to erect other buildings on said islands, or within the enclosure of Bellevue hospital, for the uses and purposes of said institutions, or any one of them. The said board of commissioners shall

also have power to lay out Potter's field, to make inclosures therein, to build vaults therein, and to provide all necessary labor therefor, and for interments therein. The said board of commissioners shall also have the power to make all needful repairs to buildings or property under its control.

SEC. 18. The said board of commissioners, or any one commissioner, shall have power to indenture and bind out, as apprentices during their minority, any minor children who may be under their care and control by reasons of the provisions of this act, or of any other act of this state, in the forms, and with the provisions now prescribed by law; and the board, or any commissioner, shall have power, in their discretion, to cancel such indentures; and they may bind out such children for the employment of farming, or any useful art or trade, to citizens of the adjoining states.

SEC. 19. The board of commissioners aforesaid shall, annually, in the month of January in each year, make to the board of supervisors of the county of New York, and the legislature of the state, a full report of their proceedings, and of the condition of the department of public charities and correction hereby created, and of all its receipts and expenditures of the preceding year.

SEC. 20. The board of supervisors of the county of New York shall, and are hereby empowered to annually raise and collect by tax, upon the real and personal property taxable in said city and county, such sum of money as said board of commissioners shall, from time to time, require for the purposes of this act, to be applied by said board of commissioners exclusively to said purposes, and to be accounted for by the said board of commissioners; which sum shall be in lieu of all taxes in said county for the relief and support of the poor thereof, and for the support and expenses of the county criminals.

SEC. 21. The board of supervisors of the county of New York, shall have power, by committee, to visit and inspect the department hereby created, and the institution under its control, and report the same to the governor of the state, who shall have power to remove any commissioner of the said department, against whom charges of misconduct in office may be established, under the provisions of law relating to sheriffs.

SEC. 22. The board of commissioners hereby appointed shall annually appoint an attorney to the department hereby created, who shall perform such duties of a legal nature as the said department may require, and whose compensation shall be fixed by said board of commissioners.

## SECTION II

### INTRODUCTORY NOTE

The following documents in Section II illustrate the development of state provision for various groups of persons who have come to be spoken of commonly as the "wards of the state." These classes for whom special provision was made by the state were in general the insane,<sup>1</sup> persons convicted of felony,<sup>2</sup> the deaf and the blind,<sup>3</sup> delinquent youth,<sup>4</sup> the alien,<sup>5</sup> and the feeble-minded.<sup>6</sup> The statutes cited show the nature of the authorities set up and indicate the differences in attitude in one state as compared with another, possibly with regard to the division of responsibility between the central and the local authority or possibly with regard to co-operation between public and private agencies. From this point of view it is interesting to compare the Pennsylvania<sup>7</sup> and Kentucky<sup>8</sup> statutes with reference to the imprisonment of persons convicted of felony and the Massachusetts<sup>9</sup> and Kentucky<sup>10</sup> provision for the education of the deaf. Massachusetts was the first to establish a public institution for delinquent youth.<sup>11</sup> Among the documents will be found illustrations of the methods employed by the governor<sup>12</sup> in his review of the needs of the state and the use of the legislative committees,<sup>13</sup> sometimes a standing committee, sometimes a special committee, in either case a body without either the true technique of inspection or administrative skill, bringing to their task a common-sense judgment, although a partisan bias regarding the conditions called to their attention might sometimes be the occasion of their appointment, and a determining factor in their recommendations.<sup>14</sup>

<sup>1</sup> Documents 2, 6, 10.

<sup>2</sup> Documents 3, 4, 8, 9, 12, 13.

<sup>3</sup> Document 5.

<sup>4</sup> Document 11.

<sup>5</sup> Document 14.

<sup>6</sup> Document 18.

<sup>7</sup> Document 3.

<sup>8</sup> Document 4.

<sup>9</sup> Document 7.

<sup>10</sup> Document 5.

<sup>11</sup> Document 11.

<sup>12</sup> Documents 7, 8, 9.

<sup>13</sup> Documents 13, 17, 18.

<sup>14</sup> No document representing this type of report has been included. Reference could be made to an *Investigation of Illinois State Institutions 45th General Assembly, 1908* (Illinois General Assembly, House, Special Committee to Investigate State Institutions).

This is perhaps the place in which to speak of the nature of the institutional administrative machinery set up. There was generally an unsalaried,<sup>1</sup> separate board of "directors" or of "trustees" or of "control" set up, for each institution. The numbers constituting the board varied as the term varied; for the term of office was generally so arranged that the board was never wholly renewed at one time and the theory was that it should not be renewed during any one administration. Continuity of policy and freedom from partisan interference were the objects sought by these arrangements. The members were supposed to represent the interests of the entire state, and there were sometimes limitations as to the number to be selected from a single county. At a later point the question of the extent to which they were protected by the nature of their organization will be more fully discussed. Attention may be called here to the great need of research into the history of these institutions, a field of inquiry in which the difficulties are many and the available material inadequate. The question will in fact arise many times as to the value of the services of these boards. The problem of the relative efficiency and value of the unpaid, volunteer, part-time service of board members as against the salaried, full-time public employee is one which it will be necessary to discuss from many points of view. Little information as to the actual influence of this type of organization on the quality of the board's work seems available.<sup>2</sup> It is interesting, however, to examine in some detail the differences in the structural details of these authorities. It is perhaps not accidental that the state almshouses in Massachusetts had so bad a start, when the appointment of the trustees, of the superintendent, and of the inspectors was retained by the governor, whereas in the case of the institutions for the insane and the reform schools, the appointment of the staff of the institutions was in each case intrusted to the governing board.<sup>3</sup> In the same way, the elective inspectors of prisons<sup>4</sup> in New York would feel a pressure of political influence more directly than the appointive, continuous board of directors would be likely to feel it. It is important to note details of administrative arrangement such as

<sup>1</sup> They were sometimes allowed a *per diem* for the days actually spent in performance of their duties and sometimes had their actual expenses allowed.

<sup>2</sup> For the facts about one institution created later than those for which these statutes provided, see below, Part II, Sec. IV, "Partisan Interference with the Civil Service," Document 6.

<sup>3</sup> See Documents 15, 16, 17.

<sup>4</sup> See Document 12, "Inspectors of Prisons."

these. They undoubtedly account, to some extent, for the unsuccessful attempts registered in this development of governmental machinery.

Another important point for the student to note is the very great complexity and difficulty of administering such an institution as any one of those noted in this section. Aside from the task of securing specialized care, treatment, education, or discipline for the group of patients, there were the common problems of domestic management on a large scale, providing food when there were no recognized dietetic standards, providing service when no pattern had been set. The political advantage to be obtained in the award of contracts or by locating building sites would be obvious to the board members, the claim of the local interest as over against the general concern for the patients would be recognized; the rule-of-thumb method of dealing with persons under care could be followed with results that could be only unsatisfactory; such defects in the organization as lack of uniformity in records, diversity in practice, sectional competition in seeking legislative favors—these defects in the organization would be apparent only when a comprehensive view was taken. When such a view became possible the remedy that suggested itself took the form of a single, unifying, supervisory agency.

Just how such an agency would bring about improvements was, of course, not clear. Nor could it be demonstrated that the economics resulting from its activities would compensate for the cost of its maintenance. It will, in fact, appear that evidence based upon comparative figures is not yet available. But the argument in favor of a central authority has steadily prevailed, and the development in that direction has been widespread and on the whole relatively swift.

## THE ESTABLISHMENT OF STATE INSTITUTIONS

### 1. The Province Poor<sup>1</sup>

WHEREAS, In and by an act passed in the fourth year of the reign of their late majesties, King William and Queen Mary, intituled "An Act for regulating of townships, choice of town officers and setting forth their power," it is, among other things, enacted,

That any person orderly warned to depart any town whereof he is not an inhabitant, and neglecting so to do by the space of fourteen days next after such warning given, may, by warrant of the next justice of the peace, be sent and conveyed, from constable to constable, unto the town where he properly belongs, or had his last residence, at his own charge, if able to pay the same, or, otherwise, at the charge of the town so sending him;

AND WHEREAS, It frequently happens that the persons so sent and conveyed, by warrant as aforesaid, do not properly belong to, nor had their last lawful residence in, any town in this province, but are inhabitants of some other province or colony, and are poor, and unable to pay the charge of such their removal, whereby an unequal charge and burthen arises to the towns to which such poor persons happen to come; for remedy whereof, and to the end that such charges may be borne in a more equitable and just proportion,—

*Be it enacted by the Governor, Council and House of Representatives:*

SECTION 1. That when and so often as any such person or persons are to be sent or conveyed out of this province, it shall and may be lawful for any justice of the peace of the county from whence the person or persons are to be sent or conveyed, and he is hereby impowered, to grant a warrant for sending such person or persons out of the province, either by land or water, as he shall think will be most convenient, or least liable to charge.

SEC. 2. That when and so often as it shall happen that any person so to be sent and conveyed, either by land or water as shall be thought most convenient, by warrant as aforesaid, doth not properly belong to, nor had gained a settlement in, any town in this province, but is an

<sup>1</sup> "An Act in Addition to the Several Laws Already Made Relating to the Removal of Poor Persons out of the Towns Whereof They Are Not Inhabitants, March 19, 1767," *Acts and Resolves, Public and Private, of the Province of Massachusetts Bay*, IV, 911-12, Acts, Passed 1766-67, chap. 17.



inhabitant of, or had settlement in, some one of his majesty's provinces or colonies on this continent, then and in every such case the charge of conveying such person or persons shall be borne by said person or persons, if able to pay the same; otherwise, to be borne and paid by this province, in order to their being sent or conveyed to the province or colony where they last had a settlement.

SEC. 3. And the constable or constables of each town, respectively, to whom such warrant shall be directed, to convey such person or persons by land, and to whose care such person or person(s) shall be committed, shall, by virtue of said warrant, receive and convey him, her or them through the county to which he belongs, and to one of the constables of the next town in the next county, who shall, by virtue of said warrant, receive the said person or persons, and convey him, her or them through the county in which such constable dwells; and the said person or persons shall, by virtue of the warrant aforesaid, be conveyed by the constable from county to county, in the same manner, unto the province or colony to which he, she or they shall be first ordered.

SEC. 4. And every constable so receiving and conveying such person or persons, shall receive, out of the treasury of such town where he belongs, so much money as the selectmen of such town shall think the charge of conveying such person or persons, as aforesaid, through the county, shall amount to, the said constable to keep a fair account of his trouble and expence, and exhibit the same to the said selectmen, who are to consider and adjust the same; and the said selectmen are also hereby empowered and directed to adjust and pay the charge of conveying any person or persons, by water, as aforesaid, they to receive the same again out of the province treasury.

SEC. 5. That when and so often as any person or persons to be removed shall be an inhabitant or inhabitants of any town or district within this province, they shall be conveyed to such town or district where he, she or they are inhabitants, or have a settlement, in the same manner as is hereinbefore provided in cases where the persons so removed are not inhabitants of any town within this province, the charge of such conveyance to be paid as by a law of this province is already provided.

SEC. 6. That from and after the tenth day of April next, no person whatsoever, coming to reside or dwell within any town in this province, shall gain an inhabitancy in such town by any length of time he or she may continue there without warning, unless such person shall first have

made known his or her desire to the selectmen thereof, and obtained the approbation of the town, at a general meeting of the inhabitants, for his dwelling there; nor shall any town be obliged to be at charge for the relief and support of any person residing in such town (in case he or she stand in need), that have not been approved as aforesaid.

SEC. 7. And all such persons as have not been approved as aforesaid, together with their children, whether born before or after their coming to such town, in wedlock, or otherwise, shall be liable to be sent or conveyed to the town where they properly belong, by a warrant from a justice of the peace, who is hereby empowered, upon application from the selectmen of the town from which such person or persons are to be sent, to issue his warrant, accordingly; excepting for such as are apprentices to some inhabitant or inhabitants of such town, who shall not be liable to be sent or conveyed out of any town where they are apprentices, till the time of their apprenticeship is expired, any law, usage or custom to the contrary notwithstanding.

SEC. 8. That every constable shall, before he delivers said warrant to the constable of the next county, certify his doings thereon.

## 2. A Colonial Institution for the Insane<sup>1</sup>

I. WHEREAS, Several persons of insane and disordered minds have been frequently found wandering in different parts of this colony, and no certain provision having been yet made either towards effecting a cure of those whose cases are not become quite desperate, nor for restraining others who may be dangerous to society: *Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the honourable John Blair, William Nelson, Thomas Nelson, Robert Carter, and Peyton Randolph, esquires, and Robert Carter Nicholas, John Randolph, Benjamin Waller, John Blair, jun. George Wythe, Dudley Digges, jun. Lewis Burwell, Thomas Nelson, jun. Thomas Everard, and John Tazewell, esquires, be and, they are hereby constituted trustees for founding and establishing a public hospital, for the reception of such persons as shall, from time to time, according to the rules and orders established by this act, be sent thereto. And the said trustees shall be called and known by the name and style of the court

<sup>1</sup> "An Act to Make Provision for the Support and Maintenance of Idiots, Lunatics, and Other Persons of Unsound Minds, November, 1769," *Hening's Statutes at Large; Being a Collection of All the Laws of Virginia*, Vol. VIII, chap. xxviii, pp. 378-81.

of directors of the public hospital for persons of insane and disordered minds.

II. And for the better and more regular ordering the business of the said hospital, the said directors shall, at their first meeting, proceed to the choice of a president who, with any six of the other directors, shall hold a court for the dispatch of business, and in case of the absence, sickness, or death of the said president, the other members of the said court may choose another president, either perpetual or temporary, as the exigency of affairs may require; and in case of the death, resignation, or absence out of the colony for the space of two years of one or more of the said directors, the president, for the time being, and the rest of the directors, continuing in office, shall and may proceed to the choice of other fit and able persons, to supply all such vacancies.

II. That the said court of directors be, and they are hereby empowered to purchase a piece or parcel of land, not exceeding four acres, the most healthy in situation that can be procured, and as convenient as may be to the city of Williamsburg, and to contract for the building thereon a commodious house or houses, fit for the reception and accommodation of such disordered persons as are described by this act, and to provide a proper keeper and matron of the said hospital, with necessary nurses and guards, and, as occasion may require, to call in any physicians or surgeons for the assistance and relief of such poor patients, and to provide all necessaries for their comfortable support and maintenance, and in general, from time to time, to make and ordain all such rules, orders, and regulations for the better establishing and governing such hospital, as to them shall seem fit and necessary. And for the better and more regular determining who are the proper objects of this act.

III. That any magistrate of the quorum, in any county within this colony, or any chief magistrate of any city or borough, either upon his own knowledge, or on proper information, that any such disordered person is going at large in his county, city, or borough, shall, and he is hereby required to issue his warrant to the sheriff, or any one of the constables of the said county, city or borough, commanding him to bring such person before himself, or any other justice of the quorum, and any other two magistrates, which three magistrates, being assembled, may examine the said person supposed to be disordered in his or her senses, and take such evidence in writing, touching his or her insanity, and the causes of it, as they can procure; and if it shall appear expedient and necessary to such magistrates, or a majority of them,

they shall forthwith, by warrant under their hands and seals, transmit such disordered person, together with the depositions taken before them, either with or without a guard, as may seem necessary, to the public hospital, to be delivered to the keeper of the said hospital, who shall give a receipt for such person, and immediately give notice to the president of the directors, who shall in convenient time summon his court to consider what is farther necessary to be done; and if it shall appear to such court, that such person is a proper object of this act, they shall enter his name in a book to be kept for this purpose, and pursue such measures as his or her case may require.

IV. *Provided always*, If any friend of such person will appear before such magistrates, or such court of directors, and give sufficient security that proper care shall be taken of such person, and that he or she shall be restrained, or secured from going at large till he or she is restored to his or her senses, it shall and may be lawful for such justices, or such court, to deliver such insane person to his or her friend.

V. That the sheriff or other officer conveying such disordered person to the public hospital, shall receive such compensation for his trouble and expenses as to the court of directors shall seem reasonable, having regard to the quality of such person.

VI. That the treasurer of this colony for the time being is hereby impowered and required to pay, upon the governor's warrant, to the court of directors, for purchasing the land, building the hospital, and other incidental charges, any sum or sums of money, not exceeding the sum of twelve hundred pounds, and for each person removed, to be maintained and supported in the said hospital, any sum not exceeding twenty-five pounds per annum.

VII. AND WHEREAS, It may happen, that some persons may fall into the unhappy circumstances described by this act, whose estates may be sufficient to defray the expense of their support and maintenance in the said hospital, where they may be more securely kept and managed, and with much less anxiety to their friends: *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the court of any county, city or borough, within this colony, upon application to them made by the friend or guardian of any such insane or disordered person, to appoint three or more of their members to enquire, upon oath to be taken before such court, into the state and condition of such person, and also into the circumstances of his or her estate; and if, upon the report of the persons so appointed, it shall appear to such court necessary or expedient, that such person should be placed

in the said hospital, the said court is hereby impowered and required to order and direct such person to be forthwith removed thereto, and at the same time to settle the allowance to be made to the said hospital for such person's support and maintenance out of his or her estate having regard to the neat profits thereof.

VIII. That the said court of directors are hereby impowered and required to receive such person into the said hospital, and, from time to time, to make and ordain such rules and orders for the better government of such person, according to his or her quality, and the allowance made out of his or her estate, as to them shall seem necessary or expedient. And the said court of directors are hereby directed and required to keep distinct and proper accounts of the expenditure of all such monies which shall be paid into their hands, to be laid before the general assembly, when the same shall be called for.

IX. That if any person who shall be taken into the said hospital, shall recover his or her perfect senses, so that he or she, in the opinion of the said court of directors, may be safely released, it shall and may be lawful for the said court to discharge such person, giving him or her a proper certificate thereof. . . .

### 3. The Philadelphia Jail as a Convict Prison<sup>1</sup>

SECTION I. WHEREAS, By the thirty-eighth section of the second chapter of the constitution of this state, it is declared, "That the penal laws, as heretofore used, should be reformed by the Legislature as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes," and by the thirty-ninth section, "That to deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary, houses ought to be provided for punishing, by hard labour those who shall be convicted of crimes not capital, wherein the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons." AND WHEREAS, The laws heretofore made for the purpose of carrying the said provisions of the constitution into effect have in some degree failed of success, from the exposure of the offenders employed at hard labour

<sup>1</sup> "An Act to Reform the Penal Laws of This State, April 5, 1790," *Laws of the Commonwealth of Pennsylvania* (Carey and Bioren reprint), III (1785-90), 440-54. See O. F. Lewis, *The Development of American Prisons and Prison Customs, 1776-1845*, chap. xi.

to public view, and from the communication with each other not being sufficiently restrained within the places of confinement; and it is hoped that the addition of unremitted solitude to laborious employment, as far as it can be effected, will contribute as much to reform as to deter:

SEC. II. *Be it therefore enacted . . .* That the pains and penalties hereinafter mentioned shall be inflicted upon the several offenders, who shall, from and after the passing of this act, commit and be legally convicted of any of the offences hereinafter enumerated and specified, in lieu of the pains and penalties which by law have been heretofore inflicted; that is to say, every person convicted of robbery, burglary, sodomy or buggery, or as accessary thereto before the fact, shall forfeit to the commonwealth all and singular the lands and tenements, goods and chattels, whereof he or she was seized or possessed at the time the crime was committed, to undergo a servitude of any term or time, at the discretion of the court passing the sentence, not exceeding ten years, in the public gaol or house of correction of the county or city, in which the offence shall have been committed, and be kept at such labour, and fed and cloathed in such manner, as is hereinafter directed: *Provided always, and be it further enacted by the authority aforesaid,* That no person accused of any of the aforesaid crimes shall be admitted to bail but by the Judges of the Supreme Court, or some or one of them, nor shall he or she be tried but in the Supreme Court, or in a court of Oyer and Terminer or General Gaol Delivery, held in and for the county wherein the offence shall have been committed; and that peremptory challenges shall be allowed in all such cases wherein they have been heretofore allowed by law: But no attainder hereafter shall work corruption of blood in any case, nor extend to the disinherison or prejudice of any person or persons, other than the offender.

SEC. III. That every person convicted of horse-stealing, or as accessary thereto before the fact, shall restore the horse, mare or gelding, stolen, to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, and also pay the like value to the commonwealth; and moreover undergo a servitude for any term, not exceeding seven years, in the discretion of the court before which the conviction shall be, and shall be confined, kept to hard labour, fed and cloathed, in manner hereinafter mentioned. Every person convicted of simple larceny to the value of twenty shillings and upwards or as accessary thereto before the fact, shall restore the goods or chattels so stolen to the right owner or owners thereof, or shall pay to him, her or them, the full value thereof, or of so much thereof as shall not be re-

stored; and moreover shall forfeit and pay to the commonwealth the like value of the goods and chattels stolen, and also undergo a servitude for any term of years, not exceeding three, at the discretion of the court before which the conviction shall be, and shall be confined, kept to hard labour, fed and cloathed, in manner hereinafter directed.

SEC. IV. AND WHEREAS, By the ninth section of the first chapter of the constitution, it is declared "That in all prosecutions for criminal offences, a man has a right to be heard by himself and his counsel, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favour, and a speedy public trial by an impartial jury of the county, without the unanimous consent of which jury he cannot be found guilty." Since which declaration, it is not proper that persons accused of small or petty larcenies should be tried and convicted before two Magistrates or Justices of the peace without the intervention of a jury: *Be it therefore enacted by the authority aforesaid*, That the act of Assembly, entitled "An Act for the trial and punishment of larceny under five shillings," be, and the same is hereby, repealed; and that if any person or persons shall hereafter feloniously steal, take and carry away any goods or chattels, under the value of twenty shillings, the same order and course of trial shall be had and observed as for other simple larcenies, and he, she or they, being thereof legally convicted, shall be deemed guilty of petty larceny, and shall restore the goods and chattels so stolen, or pay the full value thereof, to the owner or owners thereof, and also forfeit and pay the like value to the commonwealth, and be further sentenced to undergo a servitude for a term not exceeding one year, in the discretion of the court before which such conviction shall be, and be confined, kept to hard labour, cloathed and fed, in manner hereinafter directed: And every person convicted of bigamy, or of being an accessary after the fact in any felony, or of receiving stolen goods, knowing them to have been stolen, or of any other offence not capital, for which, by the laws in force before the act, entitled "An Act to amend the penal laws of this state," burning in the hand, cutting off the ears, nailing the ear or ears to the pillory, placing in and upon the pillory, whipping, or imprisonment for life, is or may be inflicted, shall, instead of such parts of the punishment, be fined, and sentenced to undergo in the like manner, and be confined, kept at hard labour, fed and cloathed, as is hereinafter directed, for any term not exceeding two years, which the court, before whom such conviction shall be, may and shall in their discretion think adapted to the nature and heinousness of the offence.

SEC. V. That robbery or larceny of obligations or bonds, bills obligatory, bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates granted by or under the authority of this commonwealth, or of all or any of the United States of America, shall be punished in the same manner as robbery or larceny of any goods or chattels.

SEC. VI. AND WHEREAS, By the eighth section of the act of Assembly, entitled "An Act for the advancement of justice, and more certain administration thereof," it is enacted, that if any woman shall endeavour privately to conceal the death of her child, which, by being born alive, should by the law be deemed a bastard, so that it may not come to light whether it was born alive or not, and be convicted thereof, shall suffer death as in a case of murder, "except such mother can make proof, by one witness at the least, that the child, whose death was by her so intended to be concealed, was born dead," whereby the bare concealment of the death is almost conclusive evidence of the child's being murdered by the mother or by her procurement. *Be it therefore declared and enacted by the authority aforesaid,* That from and after the publication of this act, the constrained presumption that the child, whose death is concealed, was therefore murdered by the mother, shall not be sufficient evidence to convict the party indicted, without probable presumptive proof is given that the child was born alive.

SEC. VII. That every other felony, or misdemeanor, or offence, whatsoever, not specially provided for by this act, may and shall be punished as heretofore.

SEC. VIII. That the commissioners for the county of Philadelphia, with the approbation of the Mayor and two of the Aldermen of the city of Philadelphia, and two of the Justices of the Court of Quarter Sessions for the county of Philadelphia, shall, as soon as conveniently may be, cause a suitable number of cells to be constructed in the yard of the gaol in the said county, each of which cells shall be six feet in width, eight feet in length, and nine feet in height, and shall be constructed of brick or stone, upon such plan as will best prevent danger from fire; and the said cells shall be separated from the common yard by walls of such height, as, without unnecessary exclusion of air and light, will prevent all external communication, for the purpose, of confining therein the more hardened and atrocious offenders, who, by the act, entitled "An Act for amending the penal laws of this state," have been sentenced to hard labour for a term of years, or who shall be sentenced thereto by virtue of this act.



SEC. IX. That, for the purpose of defraying a proportionable part of the expense of erecting such cells and walls, the President and Supreme Executive Council shall be, and they are hereby, authorized to draw orders on the State Treasurer for the sum of five hundred pounds, to be paid out of the funds especially appropriated for claims and improvements, when the same shall be sufficiently productive; and for defraying the residue of the expense, it shall be lawful for the commissioners of the said county, or a majority of them, to assess, levy and collect, within the said county, so much money, as they, with the concurrence and approbation of the said Mayor, Aldermen and Justices, shall judge necessary, provided the same does not exceed the sum of one thousand pounds.

SEC. X. That the said cells shall be and are hereby declared to be part of the gaol of the city and county of Philadelphia; and the residue of the said gaol shall be appropriated to the purposes of confining as well such male convicts sentenced to hard labour, as cannot be accommodated in the said cells, as female convicts sentenced in like manner, persons convicted of capital offences, vagrants, and disorderly persons committed as such, and persons charged with misdemeanors only, all which persons are hereby required to be kept separate and apart from each other, as much as the convenience of the building will admit, and to be subject to the visitation and superintendence of the inspectors, hereinafter appointed.

SEC. XI. That it shall be lawful for the Mayor or any Alderman of the city of Philadelphia, and any Justice of the peace of the said county, to commit any vagrant or idle and disorderly person (being thereof legally convicted before him, as by law is directed) to the said gaol, to be kept at hard labour for any term not exceeding one month, any law of this state to the contrary notwithstanding.

SEC. XII. That, in order to prevent the introduction of contagious disorders, every person who shall be ordered to hard labour in the said gaol shall be separately lodged, washed and cleansed, and shall continue in such separate lodging, until it shall be certified by some physician that he or she is fit to be received among the other prisoners: and if such person be a convict, the clothes in which he or she shall then be clothed shall either be burnt, or, at the discretion of two of the said inspectors, be baked, fumigated and carefully laid by, until the expiration of the term for which such offender shall be sentenced to hard labour, to be then returned to him or her.

SEC. XIII. That all such convicts shall, at the public expense of

such county, during the term of their confinement, be clothed in habits of coarse materials, uniform in color and make, and distinguishing them from the good citizens of this commonwealth, and the males shall have their heads and beards close shaved at least once in every week, and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other inferior food, at the discretion of said inspectors, and shall be allowed one meal of coarse meat in each week, and shall be kept, as far as may be consistent with their sex, age, health, and ability, to labour of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not easily embezzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any two of the inspectors hereafter named; during which labour the said offenders shall be kept separate and apart from each other, if the nature of their several employments will admit thereof; and where the nature of such employment requires two or more to work together, the keeper of the said gaol, or one of his deputies, shall, if possible, be constantly present.

SEC. XIV. That such offenders, unless prevented by ill health, shall be employed in work every day in the year, except Sundays; and the hours of work in each day shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in the months of November, December and January, nine hours in the months of February and October, and ten hours in the rest of the year; and when such hours of work are passed, the working tools, implements and materials, or such of them as will admit of daily removal, shall be removed to places proper for their safe custody, until the hour of labour shall return.

SEC. XV. That the keeper of the said gaol shall, from time to time, with the approbation of any two of the inspectors hereafter mentioned, provide a sufficient quantity of such stock and materials, working tools and implements, for such offenders, for the expense of which the said inspectors, or any two of them, shall be, and they are hereby, authorized to draw orders, to be countersigned by the commissioners of the county, on the Treasurer of the county, if need shall be, specifying in such orders the quantity and nature of the materials, tools or implements wanted, which orders the said Treasurer is hereby required to discharge out of the county stock, for which materials, tools and imple-

ments when received, the said keeper shall be accountable; and the said keepers shall, with the approbation of any two of the said inspectors, have power to make contracts with any person whatever, for the clothing, diet, and all other necessaries for the maintenance and support of such convicts, and for the implements and materials of any kind of manufacture, trade or labour, in which such convicts shall be employed, and for the sale of such goods, wares and merchandizes, as shall be there wrought and manufactured; and the said keeper shall cause all accounts concerning the maintenance of such convicts and other prisoners to be entered regularly in a book or books, to be kept for that purpose, and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold, and disposed of, and the monies for which the same shall be sold, and when sold, and to whom, in books to be provided for those purposes, all which books and accounts shall be at all times open for the examination of the said inspectors, and shall be regularly laid before them, at their quarterly or other meetings, as hereinafter is directed, for their approbation and allowance.

SEC. XVI. That if the said inspectors, at their quarterly or other meetings, shall suspect any fraudulent or improper charges, or any omissions in any such accounts, they may examine, upon oath or affirmation, the said keeper, or any of his deputies, servants or assistants, or any person of whom any necessaries, stock, materials, or other things, have been purchased for the use of the said gaol, or any person to whom any stock or materials wrought or manufactured therein have been sold, or any of the offenders confined in such gaol, or any other person or persons concerning any of the articles contained in such accounts, or any omission thereof, and in case any fraud shall appear in such accounts, the particulars thereof shall be reported by the said inspectors, in writing, to the Mayor of the said city, for the purposes hereinafter mentioned.

SEC. XVII. That, in order to encourage industry as an evidence of reformation, separate accounts shall be opened in the said books for all convicts sentenced to hard labour, for six months and upward, in which such convicts shall be charged with the expenses of cloathing and subsistence, and such proportional part of the expenses of the raw materials upon which they shall be employed, as the inspectors at their quarterly or other meetings shall think just, and shall be credited with the sum or sums from time to time received by reason of their labour, and if the same shall be found to exceed the said expenses, one half of

the said excess shall be laid out in decent raiment for such convicts at their discharge, or otherwise applied to their use and benefit, as the said inspectors shall upon such occasions direct; and if such offender, at the end or other determination of his term of confinement, shall labour under any acute or dangerous distemper, he shall not be discharged, unless at his own request, until he can be safely discharged.

SEC. XVIII. That no person whatever, except the keeper, his deputies, servants or assistants, the said inspectors, officers and ministers of Justice, Counsellors or Attornies at law, employed by a prisoner, ministers of the gospel, or persons producing a written license signed by two of the said inspectors, shall be permitted to enter within the walls where such offenders shall be confined; and that the doors of all the lodging rooms and cells in the said gaol shall be locked, and all lights therein extinguished at the hour of nine, and one or more watchmen shall patrol the said gaol at least twice in every hour, from that time, until the return of the time of labour in the morning of the next day.

SEC. XIX. That the walls of the cells and apartments in the said gaol shall be white-washed with lime and water, at least twice in every year, and the floors of the said cells and apartments shall be washed once every week, or oftener, if the said inspectors shall so direct, by one or more of the said prisoners, in rotation, who at the direction of the said keeper shall have an *extra* allowance of diet for so doing; and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the said keeper shall permit; and if proper employment can be found, such prisoners may also be permitted, with the approbation of two of the said inspectors, to work in the yard, provided such airing and working in the yard be in the presence, or within the view, of the said keeper, or his deputies or assistants.

SEC. XX. That one or more of the apartments in the second story of the said gaol, and at the extreme end of the west wing, shall be fitted up as an infirmary, and in case any such offender, being sick, shall, upon examination of a physician, be found to require it, he or she shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose, and when such physician shall report to the said keeper, that such offender is in a proper condition to quit the infirmary, and return to his or her employment, such report shall be entered by the said keeper in a book to be kept for that purpose, and the said keeper shall order him or her back to his or her former

labour, so far as the same shall be consistent with his or her state of health, and the said Mayor, Alderman and Justices shall from time to time, appoint a physician to attend at said gaol.

SEC. XXI. That the keeper of the said gaol shall have the power to punish all such prisoners guilty of assaults within the said gaol, when no dangerous wound or bruise is given, profane cursing and swearing, or indecent behaviour, idleness, or negligence in work, or wilful mismanagement of it, or of disobedience to the orders and regulations hereinafter directed to be made, by confining such offenders in the dark cells or dungeons of the said gaol, and by keeping them upon bread and water only, for any term not exceeding two days; and if any such prisoner shall be guilty of any offence within the said gaol, which the said keeper is not hereby authorized to punish, or for which he shall think the said punishment is not sufficient, by reason of the enormity of the offence, he shall report the same to two of the said inspectors, who, if upon proper enquiry they shall think fit, shall certify the nature and circumstances of such offence, with the name of the offender, to the Mayor of the said city, and the Mayor shall thereupon order such offences to be punished by moderate whipping, or repeated whippings, not exceeding thirteen lashes each, or by close confinement in the said dark cells or dungeons, with bread and water only for sustenance for any time not exceeding six days, or by all the said punishments.

SEC. XXII. That it shall be lawful for the Mayor and two Aldermen of the said city, and two of the Justices of the peace of the said county, on the first day of May annually, to appoint a suitable person to be keeper of the said gaol, who shall, however, be liable to be removed by the said Mayor, Aldermen and Justices aforesaid, when occasions may require, in which case another shall, from time to time, be appointed in like manner, who shall receive, as a full compensation for his services, and in lieu of all fees and gratuities by reason or under colour of the said office, so much *per annum*, as the said Mayor, Aldermen and Justices, at the time of such appointment, shall direct, to be paid in quarterly payments, by orders drawn on the Treasurer of the said county, by the said Mayor, and also five *per centum* on the sales of all articles manufactured by the said criminals; and such keeper shall have power, with the approbation of the Mayor, Aldermen, and Justices aforesaid, to appoint a suitable number of deputies and assistants, at such reasonable allowances as the Mayor, Aldermen and Justices aforesaid, shall think just, which allowances shall be paid quarterly, in like manner; and before any such gaoler shall exercise

any part of the said office, he shall give bond to the Treasurer of the county, with two sufficient sureties, to be approved by the said Mayor, in the sum of five hundred pounds, upon condition, that he, his deputies and assistants, shall well and faithfully perform the trusts and duties in them reposed, which bond, the due execution thereof being proved before, and certified by, any of the Aldermen of the said city, shall be recorded in the office of the Recorder of Deeds for the county of Philadelphia, and copies thereof, exemplified by the said Recorder of Deeds, shall be legal evidence in all courts of law, in any suit against such gaoler, or his sureties.

SEC. XXIII. That it shall be lawful for the said Mayor, Aldermen and Justices aforesaid, on the first Monday in May next, to appoint twelve inspectors, six of whom shall be in office until the first Monday in November next, and six until the first Monday in May following, and so, from time to time, six inspectors shall be appointed in manner aforesaid, on the first Mondays in May and November annually; and if any person so appointed, not having a reasonable excuse, to be approved of by the said Mayor, Aldermen and Justices, shall refuse to serve in the said office, he shall forfeit and pay the sum of ten pounds, to be recovered by action of debt, as debts of like value are recoverable by the laws of this commonwealth, the one half thereof to the use of the person suing, the other half to be paid to the Treasurer of the said county, to be applied to the purposes hereinbefore mentioned.

SEC. XXIV. That the said inspectors, seven of whom shall be a quorum, shall meet once in three months, in an apartment to be provided for that purpose in the said gaol, and may be specially convened by the two acting inspectors, when occasion shall require, and they shall, at their first meeting, appoint two of their members to be acting inspectors, who shall continue such, for such time, as shall be directed by the said inspectors, or a majority of them when met together. And the acting inspectors shall attend at the said gaol at least once in each week, and shall examine into and inspect the management of the said gaol, and the conduct of the said keeper and his deputies, so far as respects the said offenders employed at hard labour and the directions, of this act, and shall do and perform the several matters and things hereinbefore directed by them to be performed.

SEC. XXV. That the board of inspectors, at their quarterly or other meeting, shall make such further orders and regulations, for the purpose of carrying this act into execution, as shall be approved of by the Mayor and Recorder of the said city, and such orders and regula-

tions shall be hung up in at least six of the most conspicuous places in the said gaol; and if the said keeper, or any of his deputies or assistants, shall obstruct or resist the said inspectors, or any of them, in the exercise of the powers and duties vested in them by this act, such person shall forfeit and pay the sum of twenty pounds, to be recovered as aforesaid, and shall moreover be liable to be removed, in manner aforesaid, from his respective office or employment in the said gaol.

SEC. XXVI. That the present House of Correction in the city of Philadelphia shall be reserved for the exclusive reception and confinement of debtors, and persons committed to secure their appearance as witnesses in criminal prosecutions, and not charged with any misdemeanor or higher offence, which witnesses, if bound in recognizances for their appearance in favour of the prosecution, shall be allowed the sum of six-pence *per diem*, to be paid out of the county stock. And the commissioners of the said county are hereby authorized to make such alterations in the same, not exceeding the sum of sixty pounds, as shall be necessary to accommodate all such prisoners; and to distinguish the said House of Correction by a proper title, henceforward it shall be called and known by the name of "The Debtors Apartment."

SEC. XXVII. That the keepers of the said gaol and of the said House of Correction, respectively, shall forthwith exchange the several prisoners in their respective custody, conformable to the true intent and meaning of this act, and shall be, and are hereby, indemnified for all such prisoners as shall be safely delivered into proper custody, pursuant to the directions of this act.

SEC. XXVIII. AND WHEREAS, It may not at present be practicable to introduce all the above mentioned regulations into each of the counties of this state, although it is necessary that an uniformity of punishment should as much as possible prevail in all: *Be it enacted by the authority aforesaid*, That the malefactors sentenced to hard labour as aforesaid in the several counties of this state, other than the county of Philadelphia, shall be employed in the several gaols and work-houses in the respective counties, in such hard and servile labour, and fed and cloathed in such manner, as is hereinbefore directed. And the Sheriff of the proper county, to whom the said malefactor shall be committed in execution of their sentence, shall, from time to time, with the approbation of the Justices of the court of Quarter Sessions of the proper county, in open court, appoint so many keepers of the said malefactors as shall be necessary, whose wages shall be ascertained and allowed by the said court, and paid by the Treasurer

of the county, out of the monies in his hands raised for the use of the said county, by a warrant drawn by the said Sheriff, and at least one of the commissioners of the proper county, and that the duty of the said keepers shall be to superintend and direct their labours, manage and attend to their cloathing, diet and lodging, and take care that they be safely kept; and the better to effect this purpose, they shall have authority to confine in close durance, apart from all society, all those who shall refuse to labour, be idle, or guilty of any trespass, and during such confinement to withhold from them all sustenance, except bread and water; and also to put iron yokes around their necks, chains upon their leg or legs, or otherwise restrain in irons such as shall be incorrigible or irreclaimable without such severity.

SEC. XXIX. That the court of Quarter Sessions of any such county shall have power, either *ex officio*, or upon information against any such keeper for partiality or cruelty, to call before them such keeper, together with the material witnesses, and enquire into his conduct, and if it shall appear that he hath been guilty of gross partiality or cruelty, it shall and may be lawful for the said court to suspend or remove him; and any of the Judges of the Supreme Court, when upon the circuit of such county, either on their own motion, or on complaint made by any other, may take original cognizance of the misbehaviour of any keeper, and remove him from office, if they see cause; and in case of suspension or removal of all or any of the said keepers, either by the Justices of the Quarter Sessions, or the Judges of the Supreme Court, the Sheriff of the proper county, with the approbation of the Justices of the Quarter Sessions of the same county, shall and he is hereby, authorized and directed to appoint another keeper or keepers, in the room of such as shall have been so suspended or removed.

SEC. XXX. That the keepers of the gaols and work-houses, or houses of correction, in such counties, shall, once in every three months, or oftener, if required, furnish the commissioners of their respective counties with a complete calendar or list of all persons committed to their respective custody, under sentence of such servitude, together with the names of their crimes, the term of their servitude, in what court condemned, the ages and the description of the persons of such as shall appear to be too old and infirm, or otherwise incapable to undergo hard labour out of the gaols or work-houses, and the said commissioners shall, at the charge of the proper county, provide the cloathing and the food hereinbefore directed for them, as also such articles and materials of labour and manufacture, as shall be most suit-



able for the employment of all those who are capable of labour or manufacture, and deliver the same to the said gaoler, or work-house keeper, taking a receipt therefor; and that the gaoler or work-house keeper shall render an account quarterly, or oftener, if required, to the commissioners, of the work done by the said malefactors, and dispose of the same in such manner as the commissioners shall direct; and the said commissioners are hereby authorized, from time to time, to draw orders, or give their warrants on the Treasurer of the proper county, for the advance of such sums as they shall think reasonable and necessary for carrying this act into execution, and all expenses and charges incurred, or to be incurred, by virtue of this act, shall be levied and raised as other county charges are, and be accounted for in like manner, excepting the said sum of five hundred pounds, directed by this act to be paid out of the treasury of the state, towards erecting the said cells in the yard of the gaol of the county of Philadelphia.

SEC. XXXI. That the said keepers of any of the gaols and houses of correction within this commonwealth, their deputies and assistants, in case any of the said offenders, shall escape from confinement without the knowledge or consent of the said keepers, deputies or assistants, shall forfeit and pay the sum of ten pounds, to be recovered and applied in manner aforesaid: *Provided*, That nothing in this act contained shall be deemed or taken to extend to escapes voluntarily suffered by any such keepers of the said gaols or work-houses.

SEC. XXXII. That, if any such offender sentenced to hard labour shall escape, he or she shall, on conviction thereof, suffer such additional confinement at hard labour, agreeably to the directions of this act, and shall also suffer such additional corporal punishment, not extending to life or limb, as the court, in which such offender shall have been convicted, shall adjudge and direct; and if any such offender shall, after his or her escape, be guilty of any offence, for which he or she would have been sentenced to death, by the laws in force before the passing of the act, entitled "An Act amending the penal laws of this state," he or she shall suffer death, as if the said act, or this act had not been made.

SEC. XXXIII. That any such offenders who have been or shall be pardoned for the offences or crimes, of which he or she hath been or shall be convicted in pursuance of the said act, or of this act: *Provided*, Such offence was by any law in force before the passing of the said act made capital, and who shall be convicted of a second offence of the like nature, shall suffer death on such conviction without

benefit of clergy, and any constable who shall take up and convey to gaol any convict who shall escape from his confinement, shall be allowed mileage, at the same rate as constables are commonly allowed, to be paid by the Treasurer of the proper county.

SEC. XXXIV. That any felon convicted in any county in this state, other than the county of Philadelphia, of any felony or felonies, for which he or she shall be sentenced to hard labour for the space of twelve months or upwards, may, at the discretion of the court in which such felon shall be convicted, within three months after such conviction, be removed, at the expense of the said county, under safe and secure conduct, to the gaol in the said county of Philadelphia, and therein be confined, fed, cloathed, and employed at hard labour, as is hereinbefore directed, for the remaining part of the time for which, by such sentence, he or she shall be liable to imprisonment; and the commissioners of the said county of Philadelphia, upon the application of the said inspectors, shall have authority, from time to time, to draw orders upon the Treasurer of the county from which such felon shall have been so removed, for the expenses of feeding and clothing such felon, if the labour of such felon shall not be sufficient to pay the same, which orders the Treasurer of such county shall accept and pay.

SEC. XXXV. That if any gaoler, or other person whatever, shall introduce into, or give away, barter or sell, within any gaol or house of correction in the said city, or any of the counties of this state, any spirituous or fermented liquors, excepting only such as the gaoler or keeper of such gaol or house of correction shall make use of in his own family, or such as may be required for any prisoner in a state of ill health, and for such purpose prescribed by an attending physician, and delivered into the hands of such physician, or other person appointed to receive them, such person shall forfeit and pay the sum of five pounds, to be recovered as debts of like value may be recovered by the laws of this state, one moiety thereof to the use of the person suing, the other moiety to be paid to the said inspectors, for the purposes in this act contained.

#### 4. The Reform of the Criminal Law in Kentucky, Including Provision for a State Penitentiary<sup>1</sup>

WHEREAS, It frequently happens that wicked and dissolute men, resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties and property of others; and the secure enjoyment of these having principally induced men to enter into society, government would be defective in its principal purpose, were it not to restrain such criminal acts, by inflicting due punishment on those who perpetrate them; but it appears at the same time equally deducible, from the purposes of society, that a member thereof committing an inferior injury, does not wholly forfeit the protection of his fellow citizens, but after suffering punishment in proportion to his offence, is entitled to protection from all greater suffering; so that it becomes a duty in the legislature to arrange in a proper scale the crimes which it may be necessary for them to repress and to adjust thereto a corresponding gradation of punishments. AND WHEREAS, The reformation of offenders, an object highly meriting the attention of the laws, is not effected at all by capital punishments, which exterminate instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens; which also weaken the state by cutting off so many, who, if reformed, might be restored sound members to society, who, even under a course of labor, might be rendered useful to the community, and who would be living and long continued examples, to deter others from committing the like offences. And forasmuch as experience in all ages and countries hath shewn that cruel and sanguinary laws defeat their own purpose, by engaging the benevolence of mankind to withhold prosecutions, to smother testimony, or to listen to it with bias; and by producing in many instances a total dispensation and impunity, under the names of pardon and benefit of clergy; when if the punishment were only proportioned to the injury, men would feel it their inclination, as well as their duty, to see the laws observed; for

<sup>1</sup> Extract from "An Act to Amend the Penal Laws of This Commonwealth, February 10, 1798," *The Statute Law of Kentucky* (Littell), II (1798-1801), 10-19.

This act was amended and explained in December, 1798, chap. 119; in December, 1799, a supplemental act was passed, chap. 206; in December, 1800, an amendatory act, chap. 299; in December, 1801, a large amendatory act, chap. 375; two others in 1802, Vol. III, chaps. 34 and 35; and another in 1804, Vol. III, chap. 254. In 1805 an act was passed to amend the proceedings in criminal cases, Vol. III, chap.

rendering crimes and punishments therefore more proportionate to each other.

SECTION 1. *Be it enacted*, That no crime whatsoever committed by any free person against this commonwealth, (except murder in the first degree,) shall be punished with death, within the same. . . .

SEC. 18. AND WHEREAS, The great saving of expenses, as well as the beneficial effects to be produced by the present change<sup>1</sup> in the mode of punishment, will very greatly depend on the choice of a proper situation for the said jail and penitentiary house: *Be it therefore enacted*, That Harry Innis, Alexander S. Bullitt, Caleb Wallace, Isaac Shelby and John Coburn, gentlemen, be and they are hereby appointed commissioners, for the purpose of choosing a situation for the said jail and penitentiary house, in some town or village within this commonwealth, which will be most likely to afford the necessary materials for the labor and employment of the said convicts, on the most easy, cheap and profitable terms, and in the greatest abundance; attending at the same time to the healthfulness of the said place; and which will be most likely moreover to afford the most suitable persons contemplated by this act, to be employed in the superintendence and management of the same. And in case either of the said commissioners shall die or refuse to act, the governor shall fill up such vacancy with some other fit person. AND WHEREAS, The funds of this commonwealth may not at present be fully competent to the complete erection of the said buildings, and to the purchase of a lot of ground on which to erect the same, and the benevolence of the good citizens of this commonwealth may induce them to give their aid: *Be it enacted*, That the said commissioners shall, within three months from the passage of this act, advertise for four weeks successively in the *Kentucky Gazette*, such times and places as they shall judge proper, when and where they will meet and receive any subscriptions that may be offered for the purchase of a lot of one acre of ground, and the erection of the buildings aforesaid. The said commissioners, or a majority of them, shall, within five months from the date, after severally taking an oath, well and truly to discharge the duties hereby imposed on them, to the best of their judgment, for the advantage of this commonwealth, proceed to the choice of a situation aforesaid, and to the purchase of one acre of ground. The said acre of ground, when purchased as aforesaid, shall be conveyed to the governor for the time being and his successors forever, for the use of this commonwealth, for the purposes aforesaid; and the said

<sup>1</sup> [I.e., the substitution of imprisonment for the earlier forms of punishment.]

commissioners shall give to the person so conveying the said lot, a certificate under their hands and seals, expressive of such purchase and the amount thereof, which shall entitle the holder thereof to receive the sum therein expressed, from the treasurer, by warrant from the auditor. All monies subscribed as aforesaid upon condition of erecting said buildings at any particular place in the said subscriptions mentioned, shall, in case the commissioners aforesaid do make choice of such place, be considered as unconditionally due from such subscribers respectively, and may be recovered by the directors hereinafter mentioned, in case of non-payment on demand, by motion on ten days' previous notice to such subscriber, in any court of record having jurisdiction thereof, from which there shall lie no appeal. The commissioners having completed as aforesaid the business to them committed, shall within ten days thereafter transmit to the governor a full statement thereof, under their hands and seals, together with the subscriptions for such place as they made choice of for the seat of the said buildings; and their powers shall then determine. The governor is hereby requested, as soon as he receives a return from the commissioners as aforesaid, to appoint three fit and proper persons as directors to contract for and superintend the building on the lot of ground to be purchased as aforesaid, a jail and penitentiary house, sufficient to contain thirty convicts at least. The said buildings shall be constructed of brick or stone, in a plain strong manner, and upon such plan as may hereafter be added to, with conveniency and propriety, and as may be best adapted for the accommodation, safekeeping, and treatment of convicts, as contemplated by this act, as also for the accommodation of a keeper and his family. The said directors shall also cause to be built adjoining (or surrounding, as they may judge best) the said jail and penitentiary house, a wall, sufficiently strong, high and extensive to afford a yard for the use of the said convicts, and shall also cause to be built a suitable number of cells, to be constructed in the said yard, each of which shall be six feet in width, eight feet in length, and nine feet in height, and shall be constructed of brick or stone, upon such place as will best prevent danger from fire; and the said cells shall be separated from the common yard by walls of such height as, without unnecessary exclusion of air and light, will prevent all external communication; for the purposes of confining therein offenders, who may be sentenced to solitary confinement by virtue of this act.

SEC. 19. And for the purpose of defraying the expense of such buildings, cells and wall, the said directors shall be, and are hereby

authorized to draw upon the treasurer, which he is hereby directed to pay on warrant from the auditor, a sum not exceeding five thousand dollars; one half thereof to be paid on the first day of August next, and the residue within six months thereafter. The said directors shall, at the next session of the general assembly, lay before the legislature a plan of the buildings by them contracted for, and a statement of monies arising from the subscriptions; and shall receive for their services an adequate compensation, to be hereafter ascertained by the general assembly.

SEC. 20. The said jails and cells shall be appropriated to the purpose of confining such males and females as shall have been convicted of the offences above enumerated as punishable with imprisonment and labor, but the males and females are hereby required to be kept separate and apart from each other and all the prisoners shall be subject to the visitation and superintendence of the inspectors hereinafter appointed.

SEC. 21. Every person convicted in any district court in this state, of any crimes (except murder of the first degree) hereinbefore specified, shall, as soon as possible after conviction, be safely removed by the sheriff of the county, or sergeant of the corporation in which the crime or offence shall have been committed, and at the expense of the commonwealth, to the said jail and penitentiary house, and therein be kept during the term of their confinement, in the manner and on the terms hereinafter mentioned; and every sheriff or sergeant who shall neglect to remove and safely deliver at the jail aforesaid, such convict, shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, and applied, one half to the use of the county or corporation where the offence was committed, the other to such persons as shall sue for the same.

SEC. 22. Every person convicted of any of the crimes aforesaid, and who shall be confined in the jail and penitentiary house aforesaid, shall be placed and kept in the solitary cells thereof, on low and coarse diet, for such part or portion of the term of his or her imprisonment, as the court in their sentence shall direct and appoint: *Provided*, That it be not more than one half, nor less than one-twentieth part thereof; and that the inspectors of the said jail shall have power to direct the infliction of the said solitary confinement, at such intervals, and in such manner as they shall judge best.

SEC. 23. AND WHEREAS, It is of importance that the nature of the offence, and the former conduct and character of the convicts should

be known by the said inspectors: *Be it further enacted*, That whensoever any person shall be convicted of any crime which now is capital, or a felony of death, the court before whom such conviction is had, shall, before their adjournment to another term, make and cause to be transmitted to the said inspectors, a report or short account of the circumstances attending the crime committed by such convict, particularly such as tend to aggravate or extenuate the same, and also what character the said convict appeared on the trial to sustain, and whether he had at any time before been convicted of any felony or other infamous crimes: which report the said inspector shall cause to be entered in books or registers to be provided for that purpose.

SEC. 24. If any person convicted of any crime which now is capital, or a felony of death without benefit of clergy, shall commit any such offence a second time, and be thereof legally convicted, he or she shall be sentenced to undergo an imprisonment in the said jail and penitentiary house, at hard labor, during life, and shall be confined in the said solitary cells, at such times and in such manner as the inspector shall direct; and if any person sentenced to hard labor and solitary confinement by virtue of this act, shall escape or be pardoned, and after his or her escape or pardon, shall be guilty of any such offence as now is capital, or felony of death without benefit of clergy, such persons shall be sentenced to undergo an imprisonment for the term of twenty-five years, and shall be confined in the solitary cells aforesaid at the discretion of the said inspectors. . . .

SEC. 28. All such convicts shall, at the public expence, during the term of their confinement, be clothed in habits of coarse materials, uniform in colour and make, and distinguishing them from the good citizens of this commonwealth; and the males shall have their heads and beards close shaven, at least once every week; and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other inferior food, at the discretion of the said inspectors, and shall be allowed two meals of coarse meat in each week, and shall be kept, as far as may be consistent with their sex, age, health, and ability, to labor of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect, or obstinacy, and where the materials are not easily embezzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any three of the inspectors hereinafter named; during which labor the said offenders shall be kept

separate and apart from each other, if the nature of their several employments will admit thereof; and where the nature of such employment requires two or more to work together, the keeper of the said jail, or one of his deputies, shall, if possible, be constantly present.

SEC. 29. Such offenders, unless prevented by ill health, shall be employed in work every day in the year, except Sundays, and such days when they shall be confined in the solitary cells; and the hours of work in each day, shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in the months of November, December and January; nine hours in the months of February and October, and ten hours in the rest of the year; and when such hours of work are past, the working tools, implements and materials, or such of them as will admit of daily removal, shall be removed to places proper for their safe custody, until the hour of labor shall return.

SEC. 30. The keeper of the said jail shall from time to time, with the approbation of any three of the inspectors hereinafter mentioned, provide a sufficient quantity of stock and materials, working tools and implements for such offenders, for the expences of which the said inspectors, or any three of them, shall be, and they are hereby authorised to draw orders, to be counter-signed by the auditor of public accounts, on the treasurer of this commonwealth, if need shall be, specifying in such orders the quantity and nature of the materials, tools, or implements wanted, which order the said treasurer is hereby requested to discharge out of any money which may be at the time in the treasury; for which materials and implements, when received, the said keeper shall be accountable; and the said keeper shall, with the approbation of any three of the said inspectors, have power to make contracts with any person whatever, for the clothing, diet, and all other necessities for the maintenance and support of such convicts, and for the implements, and of any kind of manufacture, trade or labor, in which such convicts shall be employed, and for the sale of such goods, wares, and merchandize as shall be there wrought and manufactured; and the said keeper shall cause all accounts concerning the maintenance of such convicts and other prisoners, to be entered regularly in a book or books to be kept for that purpose; and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold, and disposed of, and the monies for which the same shall be sold, and when sold, and to whom, in books to be provided for those purposes, all which books and accounts shall be at all times open for the examina-



tion of the said inspectors, and shall be regularly laid before them at their quarterly or other meetings as hereinafter directed, for their approbation and allowance.

SEC. 31. If the said inspectors at their quarterly or other meetings, shall suspect any fraudulent or improper charges, or any omission in any such accounts, they may examine upon oath or affirmation, the said keeper or any of his deputies, servants or assistants, or any person of whom any necessaries, stock, materials, or other things have been purchased for the use of the said jail, or any persons to whom any stock or materials wrought or manufactured therein have been sold, or any of the offenders confined in such jail, or any other person or persons, concerning any of the articles contained in such accounts, or any omission thereout, and in case any fraud shall appear in such accounts, the particulars thereof shall be reported by the said inspectors to the court of the county in which such jail is situate, for the purposes hereinafter mentioned.

SEC. 32. In order to encourage industry as an evidence of reformation, separate accounts shall be opened in the said books for all convicts who have no property and are sentenced to hard labor for six months and upwards, in which such convicts shall be charged with the expences of their prosecution and conviction, and of clothing and subsistence, and of such proportionable part of the expences of the raw materials upon which they shall be employed, as the inspectors at their quarterly or other meetings, shall think just, and shall be credited with the sum or sums from time to time, received by reason of their labor; if the same shall be found to exceed the said expences, the said excess shall be laid out in making restitution to the party injured; and if none is adjudged them, in decent raiment for such convicts at their discharge, or otherwise applied to their use and benefit, as the said inspectors shall upon such occasion direct; and if such offender at the end or other determination of his term of confinement, shall labor under any acute or dangerous distemper, he shall not be discharged, unless at his own request, until he can be safely discharged. . . .

SEC. 36. The keeper of the said jail shall have power to punish all such prisoners guilty of assaults within the said jail, when no dangerous wound or bruise is given, profane cursing and swearing, or indecent behavior, idleness or negligence in work, or wilful mismanagement of it, or of disobedience to the orders or regulations hereinafter directed to be made, by confining such offenders in the solitary cells of the said jail, and by keeping them upon bread and water only, for any term

not exceeding two days; and if any prisoner shall be guilty of any offence within the said jail which the said keeper is not hereby authorised to punish, or for which he shall think the said punishment is not sufficient, by reason of the enormity of the offence, he shall report the same to two of the said inspectors, who, if upon proper enquiry they shall think fit, shall certify the nature and circumstances of such offence, with the name of the offender, to the county court where such jail is situate, and the court shall thereupon order such offences to be punished by moderate whipping, or repeated whippings not exceeding thirteen lashes each, or by close confinement in the said solitary cells with bread and water only for sustenance, for any time not exceeding six days, or by all the said punishments.

SEC. 37. It shall be lawful for the governor for the time being, to appoint a suitable person to be keeper of the said jail, who shall however be removed whenever occasion may require; in which case another shall from time to time be appointed in like manner, who shall receive such compensation for his services, and in lieu of all fees and gratuities, by reason or under colour of the said office, as the legislature from time to time shall direct, to be paid in quarterly payments, by orders drawn on the treasury of this commonwealth by the auditor of public accounts, and also five per centum on the sales of all articles, manufactured by the said criminals; and such keeper shall have power, with the approbation of the governor, to appoint a suitable number of deputies and assistants, who shall also receive such allowances as the legislature shall think just, which allowance shall be paid quarterly in like manner; and before any such jailor shall exercise any part of the said office, he shall give bond to the governor of the commonwealth, with two sufficient sureties, to be approved by the court of the county where such jail is, in the sum of two thousand dollars, upon condition, that he, his deputies and assistants, shall well and faithfully perform the trust and duties in them reposed; which said bond, being executed before, and certified by the said court, shall be legal evidence in all courts of law in any suit against such jailor or his deputies.

SEC. 38. It shall be lawful for the said court of the county where such jail is, at the first court after the time when the said jail shall be erected agreeable to the directions of this act, to appoint six inspectors, three of whom shall be in office for six months, and three for twelve months, and so during every succeeding six months, three inspectors shall be appointed by the said court, who shall be in office for twelve months; and if any person so appointed, not having a reason-

able excuse, to be approved of by the said court, shall refuse to serve in the said office, he shall forfeit and pay the sum of thirty dollars: to be recovered by action of debt, the one half to the use of the person suing, the other half to be paid to the treasurer of this commonwealth, to be applied to the purposes hereinbefore mentioned.

SEC. 39. The said inspectors, four of whom shall be a quorum, shall meet once in three months in an apartment to be provided for that purpose in the said jail, and may be specially convened by the acting inspectors when occasion shall require; and they shall at their first meeting appoint one of their members to be acting inspector, who shall continue for such time as shall be directed by the said inspectors, or a majority of them, when met together; and the acting inspector shall attend the said jail, at least once in each week, and shall examine into and inspect the management of the said jail, and the conduct of the said keeper and his deputies, so far as respects the said offenders employed at hard labor by the directions of this act, and shall do and perform the several matters and things hereinbefore directed by them to be performed.

SEC. 40. The board of inspectors, at their quarterly or other meetings, shall make such other and further orders and regulations for the purpose of carrying this act into execution as shall be approved of by the governor, and such orders and regulations shall be hung up in at least three of the most conspicuous places in the said jail: and if the said keeper or any of his deputies or assistants shall obstruct or resist the said inspectors or any of them in the exercise of the powers and duties vested in them by this act, such person shall forfeit and pay the sum of sixty dollars, to be recovered as aforesaid, and shall moreover be liable to be removed in manner aforesaid, from his respective office or employment in the said jail.

## 5. The Kentucky Institution for the Deaf and Dumb

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WHEREAS, It is desirable to promote the education of that portion of the community, who, by the mysterious dispensation of Providence, are born deaf and of course dumb, and experience in other countries having evinced the practicality of reclaiming them to the rank of

<sup>1</sup> "An Act to Endow an Asylum for the Tuition of the Deaf and Dumb, December 7, 1822," *Acts of the General Assembly, Commonwealth of Kentucky (1822)*, chap. 481. See also below, Sec. III, Document 3.

their species, by a judicious and well adapted course of education—it is represented that many of our philanthropic citizens would contribute to promote an object so benevolent and humane, if this legislature would co-operate, by affording pecuniary aid, and designating a mode by which the gratuities devoted thereto could be effectually applied. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees and their successors of the Central College at Danville, shall be, and they are hereby authorised and empowered to receive by legacies, conveyances or otherwise, lands, slaves, money and other property, and the same to retain, use and apply to the education of the deaf and dumb within this commonwealth, to any amount, the interest, profits or proceeds of which, shall not exceed the sum of thirty thousand dollars per annum.

The institution shall be located at Danville, in Mercer county, and supported by the donations and legacies of the charitable, by such aid as the legislature may be pleased to afford and by the money to be received for the education of children whose parents, guardians or friends are of ability to pay.

The trustees of the Danville College, and their successors in office, shall have power to appoint a teacher or teachers, president, treasurer, and all other officers that they may think necessary, and remove any of them at pleasure, and make such bye-laws as they may think necessary for the interest of said asylum.

There shall also be a committee of twelve Ladies, selected by the trustees at their first meeting, and their vacancies filled from time to time, as they may happen from death, removal or resignation, to aid in the management of the asylum, under such provisions as may, from time to time, be prescribed by the bye-laws.

The funds of the institution shall be under the management of the trustees, subject, however, to such restrictions as shall accompany the grant of aid by the legislature; and it shall be the duty of the trustees for the time being, to present to the speakers of the Senate and House of Representatives, respectively, annually, within the first week of their session, a statement of the funds and expenses of the institution, and of the number of children received and educated therein, during the year immediately preceding, and of the parts of the state whence they have come, distinguishing between those who have been supported gratuitously and others.

Indigent children resident any where within the state, shall be re-

ceived into the asylum, maintained and educated gratuitously, so far as the funds of the institution will admit: *Provided*, that where more children shall be offered for the benefit of this institution than can be received at any one time, the trustees shall so apportion their number among the several counties of this commonwealth, according to their representation, when application shall be made, that every county may equally receive the benefits of the same.

SEC. 2. *Be it further enacted*, That in order to aid the funds of the said asylum, the governor is hereby authorised and required to draw his warrant on the auditor of public accounts in favor of the trustees of this asylum, for the sum of three thousand dollars immediately; and moreover, shall draw his warrant on the auditor in favor of said trustees, for the further sum of one hundred dollars for every indigent pupil taught in said asylum, which shall authorise the auditor to draw a warrant on the treasurer for the amount directed in the governor's warrant, which shall be paid out of any money in the treasury not otherwise appropriated by law, and charged to the school fund: *Provided*, That no one scholar shall be taught at the expense of the state more than three years; and *Provided also*, That the sum so to be drawn from the treasury, for such tuition shall, in no one year, exceed the sum of two thousand five hundred dollars.

## B<sup>1</sup>

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the Kentucky institution for the tuition of the deaf and dumb, shall hereafter be entitled to receive for the support and maintenance of each indigent pupil that now is, or may hereafter be admitted into said institution, the sum of one hundred and fifty dollars, in lieu of the sum now allowed by law.

SEC. 2. It shall and may be lawful for the trustees of said institution to receive pupils from other states: *Provided*, The expense of their maintenance and tuition be defrayed by such state or states, or by some individual or society. *Provided*, That such admission shall not operate to the exclusion of any indigent pupil of the state of Kentucky, until the number of such shall be twenty-five, for which number provision is herein made.

SEC. 3. That to aid said trustees in the erection or procurement of

<sup>1</sup> "An Act to Increase the Allowance to Indigent Pupils in the Asylum for the Education of the Deaf and Dumb, and for Other Purposes, January 7, 1824," *Acts of the General Assembly, Commonwealth of Kentucky* (1823), chap. 712.

suitable buildings, the sum of three thousand dollars is hereby appropriated, out of the interest accruing from the literary fund.

## 6. The Kentucky Lunatic Asylum

### A<sup>1</sup>

The consideration of public safety, the well being of society and long experience enforced by the example of other countries, conspire to prove the necessity of providing by law for the care, comfort and safe keeping of persons, mentally diseased and who are of unsound minds. And a full and fair trial having proved that the present laws of this state are highly defective, and are not calculated to aid in the best manner, the restoration and final cure of such persons; and yet are found to be enormously expensive in their operation and rapidly increasing; For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Lunatic Assylum shall be, and is hereby established in this state, which shall be seated in the county of Fayette, near the town of Lexington, and that Richard Higgins, Elisha Warfield and John W. Hunt of the county of Fayette, John Pope, of the county of Washington, and William P. Roper, of the county of Fleming, be appointed commissioners to purchase, on behalf of this commonwealth, a suitable tract or lot of ground including a spring of never failing water, of not less than ten nor more than twenty acres, for the public purpose aforesaid. The said commissioners shall proceed immediately after the passage of this act, to make such purchase, upon the best terms practicable, and proceed to erect or cause to be erected, suitable and convenient buildings, of stone or brick or both, sufficient for the care and safe keeping of at least two hundred persons, having due regard to their comfort as well as safe keeping. The said commissioners are required to make use of all reasonable despatch in erecting and completing said buildings, and in providing the necessary maintenance with plain cheap lodging for the proposed number of Lunatics, and when provided shall immediately report the same to the executive of this state, whose duty it shall be to make proclamation thereof, giving notice to all committees of Lunatics and also to the circuit courts, that the assylum is ready for the reception of Lunatics; from and after a day to be named in said proclamation (giving reasonable time) the whole

<sup>1</sup> "An Act to Establish a Lunatic Assylum, December 7, 1822," *Acts of the General Assembly, Commonwealth of Kentucky* (1822), chap. 478.

of the laws now in force in this state providing for the care and maintenance and safe keeping of persons of unsound mind shall cease.

The commissioners in making the purchase herein provided for, may select a lot or tract of land with suitable buildings thereon, or partly erected, having due regard to the provisions of this act.

The governor may appoint some suitable person as Stewart, to receive and take care of all such Lunatics and such other unsound persons as may be committed to said assylum to commence so soon as may be necessary, who shall hold his appointment until the close of the next General Assembly thereafter, and shall be allowed at the rate of five hundred dollars per annum, for the time he may be engaged in the faithful discharge of the duties of his station.

SEC. 2. The sum of ten thousand dollars shall be set apart and appropriated for the purposes herein specified, to be paid quarterly as the said work progresses, by the treasurer of this state—For the obtaining of which the said commissioners, a majority agreeing thereto, may obtain the auditor's warrant, having first entered into bond with security, to be approved of by the Fayette county court, in the penalty of thirty thousand dollars, conditioned for the due and faithful application of the sum herein appropriated.

A report of the application and disbursements provided for by this act shall be laid before the next general assembly for their correction and approbation.

SEC. 3. A majority of the commissioners appointed by this act, may perform the duties herein assigned them.

## B<sup>1</sup>

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if it shall be made appear to the satisfaction of the circuit court, before which any person hath been, or shall be found a lunatic or idiot, that said lunatic or idiot is harmless, and can be safely and properly kept by his or her parent or near relation, and that said lunatic or idiot hath not sufficient property to support him or her, the said court may in its discretion, appoint a committee, and make an allowance as heretofore, any thing in the act, entitled, an act to establish a lunatic hospital, to the contrary notwithstanding.*

<sup>1</sup> "An Act Supplemental to an Act Entitled 'An Act to Establish a Lunatic Hospital,' December 11, 1822," *Acts of the General Assembly, Commonwealth of Kentucky* (1822), chap. 512.

The Lunatic Asylum being now complete and ready for the reception of all persons of unsound minds within this Commonwealth.

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John W. Hunt, Richard Higgins, Elisha Warfield, John Brand, William W. Worsley, Richard H. Chinn, William Morton, John Bradford, Andrew M'Calla, and John R. Witherspoon be, and are hereby appointed commissioners to carry said establishment into operation; and they are hereby authorized and directed to purchase bedding, clothing and all other necessaries, or cause the same to be done, by some careful and discreet person, to be appointed by them for that purpose, having due regard to economy, which said commissioners shall hold their appointment for two years and until others may be appointed by law.

SEC. 2. The commissioners are hereby directed and required, carefully and scrupulously to examine the case of every subject brought to the Asylum, distinguishing, by all the means in their power, between such persons as are sick or imbecile only, and such as are actually lunatic, or of unsound mind, admitting only the latter, and rejecting the former, also carefully distinguishing maniacs, or persons who are dangerous, from such as are quiet and peaceable, making orders for their confinement or otherwise, accordingly.

SEC. 3. From and after the first day of May next all laws committing persons of unsound mind to the care of committees and charging the Treasury of the state with the payment thereof, shall entirely cease, and from thence forward, the care and safekeeping of all such persons shall be confided to the Lunatic Asylum.

SEC. 4. Upon the production of any lunatic or other person of unsound mind, at the Asylum, and examination had, if the person offered is found to be a fit subject of admission, he or she shall be provided for, according to his or her state of disease, and the reasonable expense and trouble of conveying said patient, shall be paid to the person delivering him, her or them, by the commissioners, or by their order, and the said commissioners shall have full power and authority to discharge any person or persons, from said Asylum, whenever they deem such person or persons sufficiently restored.

<sup>1</sup> "An Act to Carry into Operation the Lunatic Asylum, January 7, 1824," *Acts of the General Assembly, Commonwealth of Kentucky* (1823), chap. 703.



SEC. 5. The said commissioners are hereby required to cause an account to be kept of all their transactions and disbursements, to be laid before the Legislature annually.

SEC. 6. The said commissioners are hereby authorized to draw from the Treasury, the sum of ten thousand dollars, to be applied to the purposes herein mentioned, who, or any two of whom, may draw and receipt therefor, having entered into bond with good and sufficient security, to be approved of by the Fayette county court, in the penal sum of at least twenty thousand dollars, conditioned for the due and faithful application thereof; which sum shall be paid quarterly in advance, out of any money in the Treasury, so soon as the Auditor shall be satisfied such bond has been executed.

SEC. 7. The commissioners are hereby authorized to appoint a chairman, make and digest a system of bye-laws, for the government of said Asylum, not inconsistent with the laws of this state.

SEC. 8. Said commissioners shall appoint some fit and suitable person as keeper or steward of said Asylum, to take the care and management thereof, removable at pleasure, and so much of the act passed at the last session of the General Assembly as requires the Governor to make such appointment, shall and is hereby repealed.

SEC. 9. *Provided however*, That Idiots shall be permitted to remain with their parent or parents, if their parents so desire, and such parent or parents shall be authorized to continue in possession of such Idiot as heretofore directed by law: *Provided however*, That the court shall not make a greater allowance for the keeping such Idiot than it would cost for keeping such person in said Asylum.

SEC. 10. *Provided however*, That nothing in this act contained shall be so construed as to authorize the managers to support any person in said institution, at the public charge, who have estate sufficient for their support, and in all cases where an inquisition is found, the same shall accompany the individual sent to the said Asylum.

### 7. The Deaf and Dumb Children of Massachusetts<sup>1</sup>

An interesting communication from Mr. Gallaudet, Principal of the Asylum of the Deaf and Dumb at Hartford, received through the Department of State, is with pleasure referred to your notice. There are now *fifty-four* Beneficiaries of the Commonwealth, in an equal num-

<sup>1</sup> Extract from Levi Lincoln, "Governor's Message" (January 7, 1829), *Resolves of the General Court of the Commonwealth of Massachusetts* (1828-31), pp. 87-88.

ber of males and females, supported and in a course of education at that Institution. With *thirty-two* of these, the limited term of pupilage will expire in the course of the present year, and, from past observation, there is reason to believe, that there will not be a sufficient number of applicants, within the description of the Act of the Legislature, to supply their places. If such should be the fact, the propriety of permitting a longer continuance at the Asylum, of such of the pupils as should be selected for their talents and proficiency, and who, by further opportunities for instruction, might themselves become qualified to teach, or be otherwise particularly useful, is recommended to your favorable regard. This humane and charitable indulgence is strongly enforced by the observation of the Principal, that "four years affords but a very imperfect opportunity for the education of those, who, like the Deaf and Dumb, begin at the very alphabet of learning, and have to be taught systematically, in the schoolroom, a great deal that other children acquire by promiscuous conversation and intercourse with Society." It is to be recollected, that these Beneficiaries, without instruction, are not only, from their natural defects, the most helpless and dependent of our Fellow Beings, but, from their condition in society, and the poverty of those, who otherwise would be bound to provide for their support, must be sustained by the public bounty. It is cheering to the heart of the Philanthropist to witness the benign charities of the Government interposed for their relief,—to know, that while the ear is dead to sound and the tongue lost to speech, the mind is opened to acquisitions of knowledge, and life made a blessing by new powers of communication.

#### 8. The Massachusetts State Prison<sup>1</sup>

The Reports of the Officers of the State Prison show the highly improved condition of that Institution. It is now made, eminently, what a Penitentiary should become, a place of just yet merciful correction, and of the means of moral reform. A strict and steady discipline has been enforced from the time of the occupation of the new Building. All improper indulgencies have been effectually repressed, intercourse and social communication are prevented, and constant restraint, in alternate labor and the seclusion of the solitary cell, is imposed. The faithful offices of the Chaplain give opportunity for religious improve-

<sup>1</sup> Extract from Levi Lincoln, "Governor's Message" (January 5, 1831), *Resolves of the General Court of the Commonwealth of Massachusetts* (1828-31), pp. 451-53.

ment. Instruction is imparted in exercises of private and public devotion, by an attendance on morning and evening prayers, in the teachings of the Sunday School, and in stated ministrations on the Sabbath. Classes of the young and ignorant are taught to read and write, and whatever respite is allowed from toil to any, is given to the means of moral and intellectual culture, to self reflection, or to necessary rest. Already the fierce and turbulent spirit is seen to yield, and habits of submission, useful occupation, and patient industry to be formed. The Inspectors, in their *Report*, say:

The effects of the new system, under the direction of the Warden, Chaplain, and Physician, are visible and cheering to the prospects, and encouraging to the hopes of the friends of Penitentiary Reform. The Convicts have become more submissive, obedient, orderly and contented, more susceptible of moral influences and religious impressions. They are easily governed, and attentive to the instructions of the Chaplain. Few punishments are inflicted, and those chiefly for minor offenses, and their daily tasks are diligently performed, without the aid of pecuniary rewards.

A frequent visitation and careful inspection of the Prison afford the truest cause for satisfaction with this representation. To the principal Officers the community are indeed indebted, in a measure of respect greatly beyond what is due for the mere performance of duty. They have given to the objects and interests of the institution a purpose of mind, and a devotion of feeling, which have added ten-fold influence to the voice of authority. With the advancement of moral purposes, it is gratifying to find that the pecuniary affairs of the Prison are also improving. By the accounts made up to the first of October, the balance of expenditures beyond the earnings of the convicts, the last year, appears to be \$6,892.02—and the whole excess, into \$90.60, to have been incurred in the first six months of that period. The deficiency in 1829, was \$8,396.43, and in the year preceding it exceeded \$12,000. It should be distinctly understood, that in stating the accounts for the year past, no credit has been given for the labor of the convicts upon the new chapel erected within that time, and that the institution is chargeable with an expense of not less amount, in the estimation of the Inspectors, than \$2,000 *annually*, for the removal of prisoners from the County Jails, and for clothing furnished to discharged convicts, and allowances of money to enable them to return to their families, or for their temporary subsistence while they seek employment, immediately upon their liberation. These items, so considerable in the aggregate, and the latter so creditable to the humanity of the laws, have no neces-

sary connexion with the support of the Prison. They are believed to be peculiar to this establishment, and should be taken into consideration, when comparing the accounts of recent with former years, and the pecuniary results of this, with other similar Institutions. With such deductions, and a credit to the Prison for the labor upon the Chapel, the balance of the last year would be reduced to less than \$4,000.

It is scarcely reasonable to expect that the Prison, under an entire change in its arrangement and government, should be made, at once, a place of profitable labor. From the physical incapacity of some of the convicts, the short terms of the commitments of many of them, their previous habits of idleness, and, generally, their ignorance and unskillfulness, at first, in the work to which they are put, their productiveness, is, in no degree, proportionate to their numbers. But experience is continually suggesting improved modes for their employment, and for effecting savings in the cost of their support. By judicious management, rigid economy, and a strict accountability under the administration of the present system, it may be hoped, that the annual debit will be made gradually to diminish, and, with better prices for labor and the productions of the Prison, the balance may be shifted to the credit side of the account.

### 9. Early Prison Reform in Massachusetts<sup>1</sup>

Various matters, which are the usual and proper subjects of annual communication, will be presented to you, with the necessary minuteness of detail, in Reports from appropriate Departments, and Agents of the Government. Among these, it will not fail to be distinguished as cause for peculiar gratification, that the condition of the State Prison has at length reached a highly satisfactory point of improvement. Honor to the wisdom, the moral confidence and courage, the determined and persevering purpose of successive Legislatures in a few years past, that, by liberal appropriations from the Treasury to the means of experiment in penitentiary regulation and discipline, a mere *Prison House*, for the physical restraint of the body, has been converted into a *school* of salutary instruction and reform to the minds of the most vicious and abandoned of our fellow men. The eye of Christian hope may now rest with assurance upon the influence of this Institution, in the accomplishment of an object of the truest benevolence. Although but

<sup>1</sup> Extract from Levi Lincoln, "Governor's Message" (January 9, 1832), *Resolves of the General Court of the Commonwealth of Massachusetts* (1832-34), pp. 32-36.

little more than two years have elapsed since the introduction of a new system of employment and control into the Prison, the beneficial effects are already distinctly visible, both within and without the walls. The demeanor of the convicts has been softened and corrected, and from the admonitions afforded here, and the greater terror inspired abroad, commitments have sensibly diminished. Within the last year the number of prisoners was reduced from 290, at its commencement, to 256 at its close. The Directors express the opinion "that crimes of an atrocious character are less frequent than was once the case; and that the majority of the Convicts appear to be inferior in intelligence and information to the average of any class of our Citizens." A most instructive result is also produced by the curious and critical investigations of the Chaplain, into the characters and lives of these miserable men. Of 256 convicts, whom his inquiries respected, he ascertained that 156 were led by intemperance to the commission of the offences for which they suffer; that 182 of the first mentioned number had lived in the habitual neglect and violation of the Sabbath; 82 were permitted to grow up from infancy, without any regular employment; 68 had been truants to their parents while in their minority; 61 could not write, and many were wholly unable to read. The intimate connexion and association of ignorance with vice, of dissoluteness with outrages upon the laws are here distinctly traced, and furnish an impressive lesson upon the importance of knowledge and temperance to individual welfare and social order, which should give a thrilling excitement to the advancement of these objects, in the heart of every virtuous and patriotic citizen and magistrate.

The business operations of the Prison, during the year past, have been conducted with success. The balance of the annual account which, for several of the preceding years, had been found to be large against the Institution, in the exhibit of this year, is diminished to the inconsiderable sum of \$477.41; and against this, even, it should be understood, there are numerous considerations of credit, particularly mentioned in the Reports, which, if they had been taken into the account, would materially and most favorably have affected the result. In 1828, the excess of expenditure was more than 12,000 dollars, in 1829, it was between 7 and 8,000, and, in 1830, it approached to 7,000. There can be but little doubt that henceforth, the earnings of the Prison will meet the ordinary expenses of its government and support, and leave something, annually, for repairs and such additional accommodations as utility or convenience may require. The Reports, which will

be submitted to you, contain suggestions of the need of alterations in the Hospital, and of a building for the residence of the Warden. The latter seems to be necessary to a compliance, by this officer, with the requisitions of duty, under the existing law; and I recommend that authority should be given by the Legislature for the proposed improvements.

The progress towards the establishment of another Institution of public benevolence, in a Hospital for the Insane, under the authority of a Resolve of the Legislature of the 10th March, 1830, has been as great as the peculiar character of the last season, and the magnitude of the work, would permit. The *exterior* structure of a spacious Edifice for the accommodation of a Superintendant and of one hundred and twenty Lunatics, has been completed, and the finishing of the *interior* is in such forwardness as will secure the preparation of the building for occupation, in the course of the next summer. From the economy and good management which have been observed by the Commissioners, in the contracts for the work, it is confidently believed, that the expense of erecting the Hospital, in the manner required by the Resolve, will not exceed the appropriation. The plan of the Commissioners, however, embraces a small additional range of strong Lodges, somewhat detached from the principal Building, for the restraint of those persons who may be, either, so furiously mad, or so mischievously disposed, as to endanger their safe keeping, or to disturb the tranquillity of the quiet and convalescent patients; and for this most indispensable arrangement to the good order and successful management of the Institution, as well as for enclosing the grounds, necessary furniture for the Building, and the support of the Establishment, provision remains to be made by the Government. Estimates for these objects have been requested of the Commissioners, for the purpose of being laid before you. It will also devolve upon the Legislature, at the present session to authorize the removal of such subjects of relief, as are now confined in the Jails and Houses of Correction, in the different Counties, whenever the Hospital shall be prepared for their reception; and likewise to determine, in what manner and on what terms, others of the same class of unhappy Beings, differently situated, may be admitted to the care and support of this public charity. It was made, by the Resolve, the duty of the Commissioners, to prepare and report to the Executive, a system of discipline and government for the Institution; but as this system requires the sanction of the Legislature for its adoption, the *Report* is transmitted by me, for your consideration and disposal.

**10. The Massachusetts Hospital for the Insane<sup>1</sup>**

SECTION 1. *Be it enacted*, That the government of the State Lunatic Hospital, at Worcester, shall be vested in a board of five trustees, to be nominated by the governor, and appointed, with the advice and consent of the council, whose duty it shall be to take charge of the general interests of the institution, and to see that its affairs are conducted according to the requirements of the legislature, and the by-laws and regulations which the trustees shall establish, from time to time, for the internal government and economy of the institution. The trustees shall appoint a superintendent, who shall always be a physician, constantly resident at the hospital, and a treasurer, who shall give bonds in such sum, and with such sureties, as the trustees shall judge proper, for the faithful discharge of his duties. They shall also appoint, or make provision in the by-laws for appointing such other officers, as in the opinion of the board, may be necessary for conducting, efficiently and economically, the business of the institution. The salaries of all the officers shall be determined by the trustees, to be approved by the governor and council; and all appointments by the trustees shall be made in such a manner, with such restrictions, and for such terms of time, as the by-laws may prescribe.

SEC. 2. That there shall be thorough visitations of the hospital, once in each month, by one or more of the board; semi-annually by a majority; and annually by the whole board. At each visitation, a written account shall be drawn up, of the state of the institution, to be presented to the board at the annual meeting, which shall be in the month of December; at which time, a full and detailed report shall be made, to be laid before the governor and council during the first week of the session of the legislature, for the use of the government, exhibiting a particular statement of the condition of the hospital, and of all its concerns. The treasurer shall, at the same time, present to the governor and council his annual report of the finances of the institution; both of which reports shall be made up to the thirtieth day of November, inclusive.

SEC. 3. That the judges of probate in the several counties of the Commonwealth, except Suffolk, and in the county of Suffolk, the judge of the municipal court, are authorized to commit to said hospital any lunatic, who, in their opinion, is so furiously mad as to render it mani-

<sup>1</sup> "An Act Concerning the State Lunatic Hospital, March 28, 1834," *Laws of the Commonwealth of Massachusetts* (1834), chap. 150.

festly dangerous to the peace and safety of the community, that such lunatic should continue at large. And all lunatics ordered to be confined by the proper judicial tribunals, by virtue of the twenty-eighth chapter of the statutes of 1816, shall be committed to the custody of the superintendent of said hospital. And no tribunal, other than the judicial officers herein mentioned, shall have power to order the commitment of any lunatic to said hospital. And the person or persons applying for the commitment of any lunatic under the provisions of this section shall first give notice in writing to the selectmen, or either of them, of the town, or to the mayor of the city, where such lunatic resides, of the intention so to apply; and satisfactory evidence that such notice has been given shall be furnished to said judges, at the time of the application as aforesaid.

SEC. 4. That two trustees shall be appointed annually; and for that purpose, the places of the two senior trustees, as they stand arranged in their commissions, shall be annually vacated, and they shall not be again eligible until the expiration of one year from the time when their places are so vacated. And the trustees shall receive compensation for all expenses incurred in the discharge of their official duties.

SEC. 5. That town pauper lunatics may be committed to, and kept at the hospital, for a sum, in no case exceeding the actual expense incurred in their support. And as a bounty upon humane efforts for the prompt relief of poor patients, whether supported by any town or city, or not, recently attacked by insanity, the trustees are authorized to receive such patients, at their discretion, for a less sum than the actual cost of their support.

SEC. 6. That any two of the trustees, or either of the justices of the supreme judicial court, or of the court of common pleas, at any term of said courts, holden within and for the county of Worcester, may discharge from confinement any lunatic committed to the hospital by judicial authority, after the cause of such confinement shall have ceased to exist, application being made therefor in writing. And a majority of the trustees shall have authority to remove to the town or city where they were resident at the time of the application for their commitment, and at the expense of such town or city respectively, any idiot, or other person, whom said trustees shall adjudge to be not dangerous, within the meaning of the law, and not susceptible of mental improvement by remedial treatment at the hospital. *Provided*, That such town or city do not, after reasonable notice, in writing, from the treasurer, take upon itself the removal of such idiot or other person as



aforesaid. And the tribunals and magistrates having power to order commitments to the hospital, shall, in the order of commitment, certify the name of the town or city in which the person committed may reside at the time of the application for such commitment, and such certificate shall be conclusive evidence of the fact.

SEC. 7. That the accounts of the hospital, for the support of all patients committed thereto, in all cases where other and ample security is not taken, satisfactory to the trustees, shall be regularly charged to, and shall be paid by the town or city where the patient resided at the time of the application for commitment. And when any town or city shall neglect or refuse to pay whatever sum may be charged and due for the support of any patient at the hospital, according to the by-laws, or shall be due for the removal of such patient as aforesaid, for the space of thirty days after the same shall have been demanded by the treasurer, in writing, of the selectmen of the town, or of the mayor and aldermen of the city liable therefor, the trustees shall be entitled to an action on the case, to be commenced and prosecuted in the name of the treasurer, to recover such sums against such delinquent town or city, respectively, and the declaration therein shall be in a general *indebitatus assumpsit*, and judgment shall be recovered for such sum as shall be found due, with legal interest from the time of demanding the same, and costs. And such town or city shall have the same rights and remedies against all corporations and persons, to recover such expense of supporting and removing any pauper lunatic, as if such expense had been incurred by said town or city, in the ordinary support of such lunatic.

SEC. 8. That no keeper of any gaol or house of correction shall hereafter make any private contract for the custody and support of any town pauper lunatic, within the county buildings, without the consent and approbation in writing, of the mayor and aldermen of the city of Boston, or of the county commissioners of the respective counties, under a penalty of not less than one hundred dollars, to be recovered by indictment in any court of competent jurisdiction, for the use of the Commonwealth.

SEC. 9. That no pauper lunatic shall be allowed to leave the hospital without suitable clothing, which the trustees are authorized to furnish, at their discretion, together with such amount of money as they may think proper and necessary, not exceeding twenty dollars.

SEC. 10. That the board of trustees, for the time being, may receive any grants or devises of lands and tenements, and any donations

or bequests of money or other property, in trust for the Commonwealth, to be used and improved for the maintenance of insane persons and for the benefit of the institution.

### 11. The First Public Institution for Delinquent Boys

#### A<sup>1</sup>

*Resolved*, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby authorized and empowered to appoint a board of three commissioners, who shall have power to select and obtain, by gift or purchase, and take a conveyance to the Commonwealth, of a lot of land, containing not less than fifty acres, which shall be an eligible site for a manual labor school, for the employment, instruction and reformation of juvenile offenders, regard being had, in the selection thereof, to the centre of population, cheapness of living, and facility of access. And that said commissioners shall further be directed to procure plans and estimates for the buildings necessary for such an institution, and to prepare and mature a system for the government thereof, and to ascertain what laws would be necessary and proper to put the same into successful operation, and to report the result to his excellency the governor, in season to be communicated to the Legislature at the commencement of their next session. And the said commissioners shall present all their accounts to the governor and council to be by them audited and allowed as they may deem just.

*Resolved*, That to defray the expense incurred by the purchase of said land, and in the execution of the other objects of the commission, his excellency the governor be, and he hereby is, authorized to draw his warrants, from time to time, on the treasury of the Commonwealth, for any necessary sums of money, not exceeding in the whole ten thousand dollars.

#### B<sup>2</sup>

*Resolved*, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby authorized and empowered to appoint a board of three commissioners, who shall cause to be erected, on such site, upon any part of the farm in Westborough recently obtained by gift to the Commonwealth, as they may judge best, a building or buildings suitable for the accommodation of a super-

<sup>1</sup> "Resolves for the Erection of a State Manual Labor School, April 16, 1846," *Resolves Passed by the Legislature of Massachusetts* (1846), chap. 143.

<sup>2</sup> "Resolves for Erecting the State Reform School Buildings, April 9, 1847," *Resolves Passed by the Legislature of Massachusetts* (1847), chap. 35.

intendent and steward, with their families, and a teacher or teachers, and capable of accommodating three hundred boys; and that said commissioners shall have power to make all necessary contracts for, and to appoint agents to superintend the erection of the same. And said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, from time to time, as they shall deem just.

*Resolved*, That, for the purpose of defraying the expenses to be incurred under the previous resolve, his excellency the governor be, and he is hereby authorized, by and with the advice and consent of the council, to draw his warrants, from time to time, upon the treasurer of this Commonwealth, for the necessary sums of money, not exceeding, in the whole, thirty-five thousand dollars, in addition to the sum already appropriated by a resolve passed on the sixteenth day of April in the year one thousand eight hundred and forty-six.

*Resolved*, That the sum of one thousand dollars, remaining in the hands of the commissioners being the balance of the donation of ten thousand dollars to the Commonwealth, be appropriated for permanent improvements for the benefit of said school, and be expended under the direction and at the discretion of the trustees.

*Resolved*, That, for the purpose of stocking, improving and cultivating, said farm at Westborough, for the current year, the sum of one thousand dollars be appropriated; and his excellency the governor be, and he is, hereby authorized by and with the advice and consent of the Commonwealth to draw his warrant upon the treasurer of the Commonwealth for the same.

## C<sup>1</sup>

SECTION 1. There shall be established, in the town of Westborough, in the county of Worcester, on the land conveyed to the Commonwealth for the purpose, a school, for the instruction, employment, and reformation, of juvenile offenders, to be called the State Reform School; and the government of said school shall be vested in a board of seven trustees, to be appointed and commissioned by the Governor, by and with the advice of the council.

SEC. 2. It shall be the duty of said board of trustees, to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the Legislature, and of such by-laws as the board may, from time to time, adopt for the orderly

<sup>1</sup> "An Act to Establish the State Reform School, April 9, 1847," *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1847*, chap. 165.

and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge, or remand them, as is hereinafter provided; to appoint a superintendent, a steward, a teacher or teachers, and such other officers as, in their judgment, the wants of the institution may require; to prescribe the duties of the superintendent and other officers; to exercise a vigilant supervision over the institution, its officers, and inmates; to remove such officers at pleasure, and appoint others in their stead; and to determine the salaries to be paid to the officers, respectively,—subject, in all cases, to the approval of the governor and council. The trustees shall also prepare, and submit to the inspection of the governor and council, a code of by-laws, which shall not be valid until sanctioned by them. The by-laws may, subsequently, be enlarged or amended, by the assent of five members of the board of trustees, at any legal meeting of said board, and not otherwise; but no alteration shall be valid until it shall have been approved by the governor and council.

SEC. 3. As soon as the governor shall have been notified, by the commissioners to be appointed under a resolve “for erecting the State Reform School Buildings,” that said buildings are prepared for occupancy, he shall, forthwith, issue his proclamation, giving public notice of the fact.

SEC. 4. After proclamation shall have been made, as provided in the third section of this act, when any boy, under the age of sixteen years, shall be convicted of any offence, known to the laws of the Commonwealth, and punishable by imprisonment, other than such as may be punished by imprisonment for life, the court, or justice, as the case may be, before whom such conviction shall be had, may, at their discretion, sentence such boy to the State Reform School, or to such punishment as is now provided by law for the same offence. And if the sentence shall be to the Reform School, then it shall be in the alternative, to the State Reform School, or to such punishment as would have been awarded if this act had not been passed.

SEC. 5. Any boy, so convicted and sent to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall be remanded to prison, under the sentence of the court, as incorrigible, upon information of the trustees, as hereinafter provided.

SEC. 6. If any boy shall, upon any conviction, be sentenced to said school, and the trustees, or any two of them in the absence of the others, shall deem it inexpedient to receive him, or if he shall be found incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the boy, shall be delivered to the sheriff of any county, or his deputy, or to the constable of any town, who shall, forthwith, commit said boy to the jail, house of correction, or state prison, as the case may be, in pursuance of the alternative sentence provided for in the preceding section of this act.

SEC. 7. All commitments, to this institution, of boys, of whatever age when committed, shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees, as hereinbefore provided; and whenever any boy shall be discharged therefrom, by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

SEC. 8. The trustees of this school shall have power to bind out all boys committed to their charge, for any term of time during the period for which they shall have been committed, as apprentices or servants, to any inhabitants of this Commonwealth; and the said trustees, and master or mistress, apprentice or servant, shall, respectively, have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

SEC. 9. The trustees shall cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity; they shall also be instructed in some regular course of labor, either mechanical, manufacturing, agricultural, or horticultural, or a combination of these, as shall be best suited to their age and strength, disposition and capacity; also such other arts and trades, as may seem to them best adapted to secure the reformation, amendment, and future benefit, of the boys; and, in binding out the inmates, the trustees shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, to the end that they may secure to the boys the benefit of a good example, and wholesome instruction, and the sure means of im-

provement in virtue and knowledge, and, thus, the opportunity of becoming intelligent, moral, useful, and happy citizens of this Commonwealth.

SEC. 10. The superintendent, with such subordinate officers as the trustees shall appoint, shall have the charge and custody of the boys. He shall himself be a constant resident of the institution; and shall discipline, govern, instruct, and employ, and use his best endeavors to reform the inmates, in such manner as, while preserving their health, will secure the formation, as far as possible, of moral, religious, and industrious habits, and regular, thorough progress and improvement in their studies, trades, and various employments.

SEC. 11. The superintendent shall have the charge of the lands, buildings, furniture, tools, implements, stock, and provisions, and every other species of property pertaining to the institution, within the precincts thereof; he shall, before he enters upon the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of two thousand dollars, conditioned that he shall faithfully account for all moneys received by him as superintendent, and faithfully perform all the duties incumbent on him as such. He shall keep, in suitable books, regular and complete accounts of all his receipts and expenditures, and of all property entrusted to him, showing the income and expenses of the institution; and he shall account to the treasurer, in such manner as the trustees may require, for all moneys received by him, from the proceeds of the farm, or otherwise. His books, and all documents relating to the school, shall, at all times, be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination. He shall keep a register, containing the name and age of each boy, and the circumstances connected with his early history; and he shall add such facts as may come to his knowledge, relating to the subsequent history of said boy, while at the institution, and after he shall have left it.

SEC. 12. All contracts, on account of the institution shall be made by the superintendent in writing, and, when approved by the trustees, if their by-laws require it, shall be binding in law, and the superintendent, or his successor, may sue, or be sued thereon, to final judgment and execution; and no such suit shall abate by reason of the office of superintendent becoming vacant pending such suit, but any successor

of the superintendent may take upon himself the prosecution or defence thereof, and, upon motion of the adverse party, and notice, he shall be required so to do.

SEC. 13. There shall be a treasurer, to be appointed by the governor and council, who shall, before he enters upon the discharge of the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him as treasurer; which bond, and also that of the superintendent, when approved, shall be filed in the office of the Treasurer and Receiver General.

SEC. 14. The board of trustees shall be appointed forthwith, and they shall take charge of the farm in Westborough which belongs to the Commonwealth, except so much thereof as shall be needed for the purposes of the commissioners, for the erection of the buildings. When the governor shall have made proclamation that the buildings are ready for occupancy, the school and the buildings shall be at once in charge of the trustees.

When two years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed and commissioned annually; and, for this purpose, the places of the two senior members, as they stand arranged in their commission, shall be, thereafter, annually vacated. No trustee shall receive any compensation for his services; but he shall be allowed the amount of expenses incurred by him in the discharge of the duties of his office.

SEC. 15. One or more of the trustees shall visit the school at least once in every two weeks, at which time the boys shall be examined in the school-room and work-shop, and the register shall be inspected. A record shall be regularly kept, of these visits, in the books of the superintendent.

Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report made, showing the results of these examinations. Annually, in the month of December, an abstract of these quarterly reports shall be prepared, which, together with a full report by the superintendent, shall be laid before the governor and council, for the information of the Legislature. The treasurer shall also submit, at the same time, a financial statement, furnishing an accurate detailed account of the receipts and expenditures, for the year terminating on the last day of the month of November next preceding.

**12. Supervision of State Prisons in New York, 1847<sup>1</sup>**

SECTION 29. There shall continue to be maintained for the security and reformation of convicts in this state, three state prisons; one at Sing Sing, in Westchester county; one at Auburn, in the county of Cayuga; and one at Clinton, in the county of Clinton; which prisons shall respectively be denominated the Sing Sing prison, the Auburn prison, and the Clinton prison.

SEC. 30. The state prisons shall be under the charge and superintendence of three inspectors, to be chosen at a general election according to the provisions of the fourth section in the fifth article of the constitution of this state.<sup>2</sup>

SEC. 31. The governor shall have the power to remove every inspector so elected, for misconduct or malversation in office, giving to such inspector a copy of the charge against him, and an opportunity of being heard in his defence.

SEC. 32. The inspectors elected at the last general election, shall enter upon the duties of their office on the first day of January, eighteen hundred and forty-eight, and each inspector to be hereafter chosen shall enter on the duties of his office on the first day of January next following his election.

SEC. 33. The inspectors shall hold their first joint meeting on the first Wednesday in January next, at the state prison in Sing Sing, and at such meeting shall choose one of their number as president of the board for the ensuing year, and shall assign to each inspector the special charge and supervision of one of the state prisons to be designated, for the ensuing quarter of the year; and they shall make a similar assignment and designation at the commencement of each quarterly term thereafter.

<sup>1</sup> Extract from "An Act for the Better Regulation of the County and State Prisons of the State, and Consolidating and Amending the Existing Laws in Relation Thereto, December 14, 1847," *Laws of the State of New York* (1847), chap. 400.

<sup>2</sup> "ART. V, SEC. 4. Three inspectors of state prisons shall be elected at the general election which shall be held next after the adoption of this constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The governor, secretary of state and comptroller shall meet at the capitol on the first Monday of January next succeeding such election, and determine by lot which of said inspectors shall hold his office for one year, which for two, and which for three years; and there shall be elected annually thereafter one inspector of state prisons, who shall hold his office for three years; said inspectors shall have the charge and superintendence of the state prisons, and shall appoint all the officers therein. All vacancies in the office of such inspector shall be filled by the governor, till the next election" (Constitution of the State of New York [adopted in 1840]).



SEC. 34. The inspectors of the state prisons shall have the power, and it shall be their duty,

1. To visit jointly each of the state prisons that now are or hereafter may be established in this state, at least four times in each year.

2. To examine and enquire into all matters connected with the government, discipline and police of each prison, the punishment and employment of the convicts therein confined, the money concerns and contracts for work and the purchases and sales of the articles provided for each prison or sold, on account thereof.

3. To require reports from the agent, warden or other officers of the prison in relation to any or all of the preceding matters.

4. To make such general regulations for the government and discipline of each prison, as they may deem expedient, and from time to time to alter and amend the same, and in making such regulations it shall be their duty to adopt such as in their judgment, while consistent with the discipline of the prison, shall best conduce to the reformation of the convicts.

5. To enquire into any improper conduct which may be alleged to have been committed by the warden or other officer of either of the said prisons, and for that purpose to issue subpoenas to compel the attendance of witnesses and the production before them of writings and papers, and to examine any witnesses on oath who shall appear before them.

6. To keep regular minutes of the meetings and proceedings at each prison which they shall visit, which minutes shall be signed by them and shall be entered by the clerk in a book which shall be kept for that purpose in each of said prisons.

7. To make an annual report to the legislature on or before the fifteenth day of January in each year, of the state and condition of each of said prisons, the convicts confined therein, of the money expended and received; and generally of all the proceedings during the past year.

8. To furnish to the legislature, with their respective annual reports, summary abstracts of all the returns which shall have been made to them during the past year, by the warden or any other officer of each of the said prisons; and also a list of all contracts entered into the past year for the employment of convicts, stating what portion of each contract may have been finished during the year, sums of money received thereon, the probable time of its completion and the amount which will then remain and become due.

9. To cause all orders, rules and regulations adopted by them, and

the entries of their proceedings at each meeting, to be recorded by the clerk of the prison then visited and to furnish to each officer of the prison, on his appointment a printed copy of the general rules and regulations of the prison.

10. To employ artizans from abroad for the purpose of teaching such new branches of business in the state prisons as are not pursued in the state.

11. To prescribe the articles of food and the quantities of each kind that shall be inserted in each contract for the supply of provisions to each state prison, and to authorize each contract to be made for the term of one year, or for any less term in their discretion or to cause such provisions to be furnished by the agent, in their discretion.

12. To employ a suitable matron and not exceeding one assistant matron to every twenty-five convicts, to supervise and have charge of all female convicts in the female convict prison at Sing Sing, and to prescribe rules and regulations for the government and discipline of such convicts, and to cause them to be employed as shall best conduce to their support and reformation.

13. To transmit to the comptroller of the state on or before the first day of January in each year, the account and inventory rendered to them by the agent of each state prison, with such observations and remarks thereon as they may deem necessary to enable the comptroller to understand the same, and to correct any errors that may be discovered therein.

14. To cause an estimate to be made of the value of the goods and other property of the state, of which an inventory has been rendered to them by the agent of each state prison, which estimate shall be made under oath by two or more competent persons, to be appointed for that purpose by the inspectors, and shall be transmitted by the inspectors to the comptroller with the inventory to which it relates.

15. To select, as far as practicable, such persons in appointing keepers to each prison, where manufacturing is carried on by the state, as are qualified to instruct the convicts in the trades and manufactures thus prosecuted in such prison.

SEC. 35. It shall be the duty of each inspector to spend at least one week at the prison assigned to him, at least once in each month, and he shall at that time diligently examine and enquire into the condition of such prison and give such general directions in writing, for its government and discipline as he shall deem to be necessary and expedient, provided the directions so given shall not conflict with the laws of the

state or with the general regulations of the prison as established by the board of inspectors; each inspector shall keep a journal of his proceedings at each monthly or other visitation, and shall report the same to the board of inspectors at their first joint meeting thereafter held at such prison; such journal shall also be entered by the clerk in the book of the proceedings of the board of inspectors kept in the prison to which the journal shall relate.

SEC. 36. Each inspector shall have power to suspend any of the officers of the prison at that time under his special charge until the next meeting of the board of inspectors, and may appoint some suitable person to supply the place and perform the duties of the officer suspended, during his suspension. He shall also have power to make temporary appointments to supply all other vacancies, which appointments shall be in force until the next meeting of the board of inspectors.

SEC. 37. All appointments to office made by the inspectors or by an inspector, and all removals of any officer by the inspectors or by an inspector, shall be made by an instrument in writing, to be signed by such inspectors or inspector, and in case of removal by any one inspector, the reason or causes of such removal shall be briefly stated in such instrument. The instrument by which such appointment or removal is made, within two days after the same shall have been signed, shall be delivered to the agent of the prison, who shall note the same on his next account to be rendered to the comptroller.

SEC. 38. Neither the inspectors nor an inspector shall knowingly appoint any person to any office in a state prison who shall be related to either of them by consanguinity or affinity within the third degree.

SEC. 39. No inspector shall be agent of any state prison, to be concerned in the business of such agency, or hold any other appointment connected with said prison, nor shall he be interested directly or indirectly in any contract for the employment of the convicts, or the supply of provisions, or the purchase of materials.

SEC. 40. The inspectors shall appoint to each of the state prisons the following officers: an agent, a principal keeper to be denominated a warden, a clerk, a chaplain, a physician and surgeon, and so many keepers, not exceeding the proportion of one to twenty-five convicts, as they may deem it expedient to employ.

SEC. 41. Whenever any number of convicts in any state prison shall be less than three hundred, the warden of the prison shall have all the powers and perform all the duties herein imposed upon the agent.

SEC. 42. Each of the inspectors and each of the officers of each

prison shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, which oath may be taken and subscribed before any officer authorized by law to take and administer an oath. The oath of an inspector shall be filed in the office of the secretary of state; and that of the officers of each prison in the office of the clerk of the county in which such prison is situated. . . .

SEC. 46. The inspector having charge, at the time, of such prison, shall from time to time visit such cells, and examine into the causes of confinement of each convict thus confined, and may, if the warden shall concur, designate the length of time during which such solitary confinement, in each individual case shall continue, subject to the approval of the board of inspectors at each meeting thereof held at such prison, whose duty it shall be to regulate and control such solitary confinement; and they shall prescribe the fare and treatment of all convicts so confined, and shall adopt such rules and regulations in reference thereto as they shall deem proper, not inconsistent with the existing laws.

### 13. A General View of Massachusetts Public Charities, 1850<sup>1</sup>

The State Lunatic Hospital, at Worcester, received the earliest notice of the committee, and, in their visit to this institution, they were accompanied by two of the trustees, who appear to regard its conduct and usefulness with deep solicitude and interest. . . .

In every large establishment it is necessary, not only that a systematic course of management be adopted, but also that a rigorous supervision be exercised over the various divisions and subdivisions of labor by which the system is carried out; otherwise, an imperfect performance of the several delegated duties will gradually become the usual routine. In this respect, after having carefully examined every accessible part of the building occupied by the hospital, and given especial attention to the furniture of the sleeping apartments, the condition of the wardrobes, and the arrangements of the culinary department, your committee feel bound to express entire approbation of the present management of this establishment.

But, having accorded to the officers of the institution the praise deemed to be justly their due, your committee are constrained to bring to the notice of the Legislature some striking defects in the building

<sup>1</sup> Extract from *Report of Committee on Public Charitable Institutions on Visits to Several Public Charitable Institutions Receiving Patronage of the State* ("Massachusetts Senate Document No. 79," 1850).

itself. At the time when this edifice was erected, the subject of ventilation was very imperfectly understood, and the apertures left for that purpose are wholly inadequate to effect it in a proper manner. The air throughout all that portion of the building used as "corridors," is so impure as to be exceedingly offensive, more so than that of any county hospital visited by the committee.

It is considered desirable that the plumbing work, connected with the water-closets and urine basins, should be repaired and put in order; the latter should be made of glazed or glass ware, either of which can now be procured.

Another subject requiring especial notice, is the existence, on the east side of the hospital building, of what is called a "cottage," but which is, in reality, a shed, covering cells where those furiously mad are confined. The condition of this wretched retreat has been made known to the legislatures of other years, but, as it still remains a disgrace to the State which protects the institution, and a melancholy and disgusting object to every humane visitor, your committee make no apology for offering you a description of the premises.

We recall, therefore, the sight of a long and narrow den, low in walls, floored with stone, and divided into nine compartments, in each of which human beings are caged. Overhead, square holes from four to six inches in diameter, leading *towards* the roof but not *through* it. These apertures are designed to ventilate a place where are confined, not only the miserable beings with their offensive habits, but whatever may be accumulated during the interim of the attendant's visits. Underneath is a cellar, containing the arches which support the room above, and also some apologies for furnaces set promiscuously among them. The heat from these stoves, after being diffused through the cellar, passes, of course, at a much lower temperature, through the stones which form the floor above, thus conveying to the occupants the only warmth which they may receive during the severest season. It is to be remembered that this class of patients is so violent that garments of the strongest texture are soon torn or picked in pieces from their persons, so that the greater portion of their bodies is entirely unprotected from the changes of the atmosphere.

In this connection, however, your committee have the satisfaction of informing you, that some new "strong rooms," in the plan of which attention has been given to the means of warming and ventilation, are now in progress, and will soon be ready for occupancy by the present inmates of the "cottage." But since the county hospitals are mostly in

an overcrowded state, it will be next to impossible for the superintendent of this State institution to refuse applications, while any shelter, however unsuitable, remains under his control unoccupied. It is, therefore, to be hoped that such a disposition may be made of the shed as shall prevent the possibility of its being ever again used as a receptacle for suffering humanity.

In conclusion, your committee earnestly recommend that a perfect system of ventilation be introduced throughout the hospital, that the water-closets, and other conveniences, be remodelled, and that the "cottage" be demolished at the earliest moment when the new strong rooms can be made ready to receive their intended occupants.

The Hospital for Lunatics in Essex County is located in Ipswich; it has, like most other institutions of the kind within the State, many more inmates than can be conveniently accommodated.

This establishment appears to be well conducted by its superintendent, and the building and appurtenances are in perfect order throughout. In the present construction of the rooms, there is not even an attempt at proper ventilation, but your committee were informed that the county commissioners intend to introduce the most approved system of arrangements, in this respect, during the ensuing season. Water is conducted, from a spring on a neighboring hill, to a reservoir under the roof of the building, and from thence distributed to all parts of the house where needed.

The condition of the institution was considered creditable to its officers.

The Hospital for the Insane in Middlesex County, is situated in East Cambridge, and this also is now full, to overflowing. The buildings are well arranged and comfortable, and all the apartments are kept in excellent order. The most approved system of ventilation has been introduced by the superintendent, and this is the only building occupied by lunatics and visited by your committee, which is entirely free from any unpleasant odor.

The Perkins Asylum for the Blind, at South Boston, has always and deservedly received the fostering care of the Commonwealth. It has also, from its infancy, had the advantage of possessing one of the most indefatigable and energetic men in New England, as its superintendent and principal director.<sup>1</sup> . . . .

Your committee have not had an opportunity to visit other institutions of a similar nature out of the State, and can, therefore, compare

<sup>1</sup> Dr. Samuel Gridley Howe. See below, p. 297.

this asylum with no other; but, after an interesting examination of the pupils in their several studies, a particular notice of the various useful employments taught them, and a careful scrutiny of the building, with the domestic arrangements contained therein, they feel satisfied that the teachers, and other officers, connected with the establishment, are fully entitled to their commendation.

It is well known that many blind persons are now supporting themselves by their own exertions, who, without the instruction afforded here, would probably have remained through life, a burden to their friends or the community. Many others, following their example, are now at the workshops of the institution, qualifying themselves to become expert artizans at several of the useful trades. It is evident, however, that they must labor under serious disadvantage, when, upon leaving their apprenticeship, they enter establishments where the arrangements are designed for persons not deprived of the blessing of vision. It is hoped, therefore, and anticipated, as this class of operatives increases, that enlightened mechanics, or others, may be induced to open workshops for the employment of blind people exclusively,—an enterprise which, it is believed, may be made as profitable as it certainly would be benevolent. . . .

Connected with this institution, or, more properly speaking, under the care of its superintendent, and located in another building, is a school for the training of weakminded and idiotic children.

This was established under a resolve of the Legislature of 1847, granting \$2,500 a year, during three years, for the purpose of teaching and training ten children of this class, one to be selected from each congressional district, or in that proportion. The result of this experiment, as it must necessarily be termed in this country, has thus far proved encouraging to its projectors. Children who were, before their admission, completely helpless, have been taught to control perfectly their personal habits, to feed themselves in a proper manner, and are otherwise much improved. Considerable progress has also been made in teaching to some of them the elements of a common education; and, when the large number of this class—"twelve hundred or more, scattered throughout the Commonwealth"—is considered, the practicality of thus improving their condition becomes a subject of great importance and encouragement, and most amply repays the outlay made for their benefit.

The Massachusetts Charitable Eye and Ear Infirmary is established in Boston, and ranks among the noblest exhibitions of practical

benevolence within the borders of our State. As annual reports of this institution are seldom printed, the extent of its usefulness may not be generally appreciated, except by the particular class of sufferers to whose relief it is devoted; your committee are happy, therefore, to submit some interesting information kindly furnished them by one of its surgeons. . . .

This institution was founded in 1824, since which time 24,000 patients have applied for assistance. . . .

The number of patients who applied for advice, in the last year, was over two thousand, and of this number, one hundred and fifty-nine were boarders in the infirmary; the remainder were treated as out-door patients.

The expenses of this institution are paid, in a great measure, by the contributions of charitable persons, principally of this city, and by an annual grant from the State, with an occasional additional grant when needed.

The government of the infirmary is a board of twelve managers, of whom Robert G. Shaw, Esq., is President, and J. W. Edmands, Esq., Treasurer.

The infirmary is open daily, at eleven o'clock, when one of the surgeons is in attendance, to give gratuitous advice to the poor. It is strictly a charity, and none but the poor are expected to apply there. In some cases, board may be had at the infirmary at three dollars a week, and a limited number of free patients can be received. . . .

The State Reform School, at Westborough, projected, and most generously endowed by the late Honorable Theodore Lyman, is designed for the noble purpose of rescuing boys who have just entered upon a vicious course of life. At the previous examination of this institution, it had scarcely commenced, having at that time but about fifty boys, a number which has since increased to more than 300.

The buildings erected for the accommodation of the school are neat and commodious, the out-buildings and workshops convenient, without attempt, in any portion of them, at ornament or display. A very cheap and simple arrangement has been made by means of a wind-mill, constructed on the edge of a pond in the vicinity, by which pure water is forced into a reservoir, at the top of the building, of sufficient capacity to supply the whole establishment.

The boys are taught, during portions of the day, studies adapted to their abilities and previous training, also instructed in such labor or mechanical work, as seems best suited to each, and from an examina-



tion of a large portion of them, a very good progress appears to have been made during their stay. There is also evidence, not to be mistaken, in examining the children who compose this school, and, in learning their past history, that vice and crime have not been, in all cases, of their own seeking, but have, in many instances, been forced upon them, by those whose blood courses in their veins; indeed, not infrequently, commitments have been caused, by doing the bidding of parents, who shrink from no means of gratifying a depraved appetite.

A barn has been erected, about a quarter of a mile from the main buildings, for the use of the farm connected with the school. It is 132 by 44 feet in size, with a granary, 16 by 50 feet, attached, and contains, under its roof, all the conveniences usually grouped in various forms around a farm-house. There is a deep cellar under the whole building, divided by brick and stone walls into compartments, for the reception of vegetables, manure, etc., and for such other purposes as a well-conducted agricultural establishment will suggest.

The barn was built by contract, at a cost of \$5,600, and appears to be well and substantially constructed, but has nothing superior in style of finish, and is inferior in size and cost to other buildings used for a like purpose, in the same county.

Important responsibilities must necessarily devolve upon those who accept the charge of directing the first steps toward any new establishment. After a careful survey of all the buildings, and arrangements intended for the convenience of the Reform School, your committee are of the opinion, that the trustees have, in the performance of their duties, evinced sound judgment, and a most judicious regard to economy. And they can perceive no reason, why the institution, which has commenced under auspices so favorable, should not fully realize the high expectations of its founders.

The American Asylum for the Deaf and Dumb, at Hartford, was examined with great care, and your committee may safely assure the Legislature, that this establishment will compare most favorably with any public institution within their knowledge, and that those of her children, placed under its influence, are well and carefully nurtured.

The committee much regretted that the principal of the asylum, Lewis Weld, Esq., was absent at the time of their visit; his place, however, was supplied by his assistant, Mr. Turner, who politely escorted them over all parts of the premises, including the school-rooms, workshops, play-grounds, etc. All the rooms in the building are properly

ventilated, and neatly kept, and the arrangements are well adapted to the wants of the inmates.

The several classes of pupils were separately examined, and their progress, in the branches of study to which they respectively attend, was tested by members of the committee, with most satisfactory results. The teachers appear much attached to their occupation, and an unusual degree of affection and sympathy seemed to pervade their intercourse with the pupils; this may perhaps be owing, in a measure, to the peculiar method of communication between them, but whatever the cause, no one can spend a day in their midst, without noticing its happy effect. Another characteristic of this little community, is the habit of constant industry, evinced by all; listlessness seems unknown among them, while their animated countenances in the school-room, and the mirth and joy displayed on the playground, or as they dance their own peculiar evolutions, give ample evidence of active minds and cheerful hearts.

In reporting the condition of the several institutions, which your committee were instructed to visit, it has not been deemed necessary to go into lengthy details, as official reports from most of them are now before the Legislature; but, in concluding, they feel it their duty to ask particular attention to the present state of the various lunatic asylums, throughout the State, and to express their opinion, that a most pressing call for increased means of accommodation is now made, not only by the over-crowded hospitals, but by a large number of the class for whose relief they are intended, but who are now temporarily sheltered in various locations, waiting the action of the Legislature in their behalf.

#### 14. Alien Passengers in Massachusetts<sup>1</sup>

SECTION I. The governor and council shall, upon the passage of this act, and hereafter in the month of January, annually, appoint a member of the council, who, with the auditor of accounts of the Commonwealth, and the superintendent of alien passengers for the city of Boston, shall constitute a board of commissioners to superintend the execution of such laws as are now in force, or may hereafter be enacted, in relation to the introduction of aliens into this Commonwealth, and the support of state paupers therein.

<sup>1</sup> "An Act to Appoint a Board of Commissioners in Relation to Alien Passengers and State Paupers, May 24, 1851," *Acts and Resolves Passed by the General Court of Massachusetts in the Year of 1851*, chap. 342.

SEC. 2. The commissioners shall have authority to appoint one or more persons, whose duty it shall be to visit, at least once in every year, all the almshouses or places in the Commonwealth where state paupers are supported, and ascertain, from actual examination and inquiry, whether the laws in respect to such paupers are properly regarded, particularly in relation to such as are able to labor, or are but partially supported by the respective cities and towns; and, in case any infractions of the laws are discovered, make immediate report thereof to the commissioners, who shall examine and decide upon all such cases, and thereupon notify the auditor of accounts. The commissioners shall also give such directions as will insure correctness in the returns now required to be made in relation to paupers, and may use such means as are necessary to collect all desired information in relation to their support.

SEC. 3. The said commissioners shall appoint one or more persons, to be approved by the governor and council, whose duty it shall be to ascertain the names of all foreigners who are landed in any city or town within this State, otherwise than by water, and also procure all such further information in relation to the age, &c., of said foreigners as is practicable, in order to identify them in case they should hereafter become a public charge. And all officers and agents of railroad corporations, and proprietors or agents of other means of conveyance, are hereby required to furnish the agents of the Commonwealth, when so required, with the information above named, so far as in their power, by filling up blanks to be furnished them for that purpose. Any neglect or refusal to furnish such information, when requested, shall be punishable by a fine of not less than twenty dollars for each person in relation to whom the refusal is made, to be collected by the commissioners, for the use of the Commonwealth, of the corporation, proprietors, or agents aforesaid.

SEC. 4. The one hundred fifth chapter of the statutes of the year one thousand eight hundred and fifty, being "an act relating to alien passengers," is hereby so far modified or amended as to except from its provisions, lines of communication established for the regular transportation of passengers by water, and not extending beyond or stopping at places without the limits of the United States; and such lines shall be subject to the provisions and liabilities of this act, in manner and form as provided for railroad corporations, and proprietors of other means of conveyance, in the preceding section.

SEC. 5. Any aliens or other persons who shall be brought into this

Commonwealth as above specified, shall, if they fall sick, or from any cause become a public charge within one year after coming into the Commonwealth, be supported, so long as necessary, at the expense of said corporation or party by whose means they were brought into the Commonwealth, in the same manner as is now provided in regard to alien passengers by water: *Provided, however,* That the party liable for support shall be notified of his liability, in any particular case, as soon as practicable, in order that he may, if so disposed, provide for other means of support or removal.

SEC. 6. The commissioners shall annually, in the month of January, make a report of their doings to the governor and council, to be laid by the governor before the Legislature, and shall therein make such suggestions, in relation to the present or other plans for the support of paupers, as may occur to them.

SEC. 7. The commissioners shall have such compensation for their services as may be deemed reasonable by the governor and council, and the agents appointed by them, such salary as may be fixed by the commissioners, not exceeding three dollars for each day employed, together with their necessary expenses for board and travel; the same to be paid quarterly, as other public salaries.

### 15. The State Poor in Massachusetts and Their Care<sup>1</sup>

SECTION 1. His excellency the governor, with the advice and consent of the council, is hereby authorized and empowered to appoint a board of three commissioners, who shall select and purchase three sites for the purpose of erecting on each of them a building which shall be sufficient for the accommodation of five hundred inmates, a superintendent and his family, and all necessary subordinate officers; one of which sites shall be in the county of Middlesex or the county of Essex; one in the county of Bristol or the county of Plymouth, and one in some town of the Commonwealth west of the town of Brookfield.

SEC. 2. The said commissioners shall cause to be erected on each of said sites a building of the capacity aforesaid, and shall properly furnish the same, and shall also cause to be constructed such workshops, and make such other provision for labor in connection therewith, as they may deem proper, and may purchase as much land attached to said buildings as, in their opinion, may be usefully devoted to such pur-

<sup>1</sup> "An Act in Relation to Paupers Having No Settlement in This Commonwealth, May 20, 1852," *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1852*, chap. 275. See below, Document 17.

pose; and they shall have power to make all contracts and employ all agents necessary to carry into effect the powers hereinbefore granted.

SEC. 3. After the completion of such buildings the governor, upon being notified of that fact by the said commissioners, shall issue his proclamation accordingly; and thereupon the several cities and towns in the Commonwealth shall have a right to send to one of said institutions, to be maintained at the public expense, all paupers not having a settlement within the Commonwealth, who are then receiving support from, or who may thereafterward fall into, distress in said cities or towns; that is to say, the cities and towns in the counties of Suffolk, Middlesex, or Essex, may send such persons to the institution to be established as aforesaid in the county of Middlesex or the county of Essex; the cities and towns in the counties of Norfolk, Bristol, Plymouth, Barnstable, Nantucket, or Dukes county, to the institution to be established as aforesaid in the county of Bristol or the county of Plymouth; and the remaining cities and towns in the Commonwealth to the institution to be established as aforesaid in the western part of the Commonwealth.

SEC. 4. No city or town shall receive any payment or allowance from the Commonwealth for the expense of supporting any such pauper incurred more than thirty days after the issuing of such proclamation.

SEC. 5. The governor, with the advice and consent of the council, shall appoint a superintendent of each of said institutions, whose salary shall be one thousand dollars per annum, and who shall receive no other compensation or perquisite for his services, excepting the right to reside with his family, in the building under his care; and it shall be his duty to receive all paupers sent as aforesaid with a proper certificate from the mayor of the city, or one of the overseers of the poor of the town from which they may be so sent, and to provide for them under such rules and regulations as shall be established in the manner hereinafter provided.

SEC. 6. The governor, with the advice and consent of the council, shall appoint for each of said institutions three inspectors, residing in the immediate vicinity thereof, respectively, who shall receive a salary of one hundred dollars each, whose duty it shall be to establish rules and regulations for the proper management and government of said institution, subject to the approval of the governor, and to see that all such rules and regulations are enforced. And each of said institutions shall be visited by one of said inspectors at least once in each week.

SEC. 7. The said inspectors shall have the same power to bind as apprentices, minors who are inmates of the institution under their charge, the same authority in causing the inmates of said institution to be returned to the place or country from which they came, and the same authority in regard to the removal of lunatics to the State Lunatic Hospital, as is now vested in the overseers of the poor in the several cities and towns in the Commonwealth.

SEC. 8. Each city and town shall be allowed, for the expense of transporting such paupers as aforesaid to said institutions, ten cents for each mile of the distance from said city or town to said institution; to be paid from the treasury of the Commonwealth upon the certificate of the superintendent of the institution where such pauper shall be received.

SEC. 9. If any inmate of either of said institutions, above the age of sixteen years, shall leave the same without the consent of the inspectors thereof, and shall, within one year from the time of such leaving, be found within any city or town of the Commonwealth soliciting public or private charity, he shall, upon complaint and proof thereof, before any police court or justice of the peace, be punished by confinement to hard labor in the house of correction for the county within which he shall be so found, for a term not exceeding three months.

SEC. 10. It shall be the duty of the inspectors aforesaid to audit all the accounts of the superintendents of the said respective institutions; and to report to the governor and council in the month of December, annually, the state of the institution under their charge, and the expenses, in detail, of said institution for the year next preceding said report.

SEC. 11. The said commissioners are hereby authorized to put the buildings belonging to the Commonwealth on Rainsford's Island, in the harbor of Boston, in a proper state of repair for the reception of sick persons, and for the accommodation of proper attendants: *Provided, however,* That the expense of such repairs shall not exceed the sum of five thousand dollars. And after the issuing of his proclamation by the governor, as is hereinbefore provided, all foreign paupers arriving by water within the Commonwealth who cannot, on account of sickness, be removed to one of the institutions aforesaid, shall, during the continuance of such inability, be supported at said island; and the governor is hereby authorized, by and with the consent of the council, to appoint such officers and attendants, and to ordain and establish such rules and regulations for the government and supporting of the said

paupers, and to establish such compensation for said officers and attendants, as he may think proper, until the further action in the premises of the Legislature.

SEC. 12. To defray any expenses for the purchases, buildings, and repairs hereinbefore authorized, the treasurer of the Commonwealth is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding one hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, with warrants for the interest attached thereto, which scrip or certificates shall be redeemable in twenty years from the date thereof, and shall be countersigned by the governor and be deemed a pledge of the faith and credit of the Commonwealth. And the said treasurer may, under the direction of the governor, dispose of any portion of said scrip at any price not less than its par value.

SEC. 13. Three thousand dollars annually shall be reserved from the amount received from alien passengers arriving in the Commonwealth, to constitute a sinking fund for the redemption of the scrip issued as hereinbefore authorized.

SEC. 14. The amount of expenses and liabilities for said purchases, buildings, and repairs, shall not exceed the amount of said scrip and the amount of premium received upon the sale thereof.

SEC. 15. If said institutions are ready for the reception of inmates before the first day of February next, the governor is hereby authorized to draw his warrant upon the treasury for all expenses incurred in the support of such inmates until the said first day of February.

### 16. An Inquiry as to Possible Public Economies<sup>1</sup>

Considering the length of time that would be necessary for the "vigorous and searching examination of the whole [pauper] system," recommended by His Excellency, the Committee found themselves constrained to confine their investigations to the manner of its administration by those to whom the duties had been intrusted, in the hope of being able to point out such changes as would inure to the interests of the State.

<sup>1</sup> *Report of the Joint Standing Committee on Public Charitable Institutions as to Whether Any Reduction Can Be Made in Expenditures for Support of State Paupers* ("Massachusetts Senate Document No. 63," 1858).

The Committee visited the Hospital at Rainsford Island, and the Almshouses at Monson, Tewksbury, and Bridgewater. Those institutions were found to be in good condition, and appearances indicated that the mental and physical wants of the inmates were fully considered. The schools afforded evidence of the care and competency of the teachers, the houses were clean and well kept, and the inmates comfortably clothed. A hasty visit of a day, however, is insufficient to form reliable judgment of the actual workings of such institutions. Traversing the buildings hastily, with merely time to glance to the right or the left, and make the natural inquiries incident to the occasion, does not furnish sufficient foundation on which to base practical suggestions, nor to discover defects which are not of a glaring character. The appearance of inmates, buildings and grounds may be certified to, but no practical insight can be obtained into the internal workings of any public institution by a flying visit. Disorder or palpable inefficiency might be discovered; equally possible is it, that other evils might escape detection by a committee having only time for a bird's-eye view, who necessarily compress into hours, duties which would require days to discharge with advantage to the State and wholesome influence upon the institutions. The fresh bed-spreads, creased garments, and other minutiae not uncommon upon the visits of "company," would awaken a surmise as to whether the change was legitimate, or induced by the presence of visitors. Still, the Committee feel confident the slight cost of the annual visits of legislative committees is well invested.

The Committee summoned before them, the superintendents of Rainsford Island Hospital and of the three Almshouses, with other witnesses from whose knowledge and experience they thought they could derive information which would aid them intelligently to perform the duties devolved upon them. To the testimony thus elicited, they have given careful consideration, and the result of their deliberations is herein embodied.

If there ever was a system at loose ends, it is the present pauper system of Massachusetts. There is a total want of harmony between the administrative elements—the almshouses are in rivalry; the head of each institution entertaining different views of management; no uniform data existing by which reliable comparisons can be instituted, whether it regards number of inmates admitted or supported during the year;— the Alien Commission has only advisory power, not reaching to the dignity of supervisory. In truth, there is an evident feeling of jealousy prevalent, and a want of centralized authority injurious to



the interests of the State. Unison, co-operation, oneness, is eminently desirable.

The system now in practice for the rendering and payment of accounts for the purchases for Rainsford Island Hospital and the three almshouses, is indirect, clumsy, unsatisfactory, irresponsible, and unsafe; leaving the State, as the mode in practice does, without any evidence that the supplies purchased have actually been paid for, or that the money has ever gone out of the hands of the superintendent. The purchases are generally made by the superintendent, the bills rendered to him, examined and endorsed; then submitted, with a schedule, to the inspectors, who examine them and approve the schedule, which is then sent with the bills to the auditor, who also examines them, and certifies the amount to the governor and council. A warrant is then drawn for the amount in favor of the superintendent, who draws the money from the treasury, and pays the bills. There is no voucher left with the auditor or treasurer that the money ever goes beyond the hands of the superintendent, an omission which cannot be reconciled with correct business principles. The Committee recommend, therefore, that in all future purchases on account of these institutions, the receipt of the articles in good condition and of the agreed quality, shall be certified to by the superintendent,—the correctness of the bills endorsed by the inspectors and auditor,—the warrants drawn in favor of the seller,—and the original bills, receipted, deposited with the treasurer, on the presentation and payment of the warrants. To avoid the inconvenience of too great a multiplicity of bills for trifling purchases, a specific sum should be paid quarterly in advance, to the superintendents, on their requisition, for the expenditure of which they should account quarterly by a regular bill subject to the same examination and approval by the inspectors and auditor, as is provided in the case of other purchases.

At Rainsford Island and at Monson the accounts of the institutions have not been kept with that care for details which is desirable; for it is quite as important for the superintendents as for the State, that they should always be able to tell exactly and for what specific purposes, money has been expended. The books of each institution should show how much has been expended for repairs, how much for permanent improvements, and how much for labor, food, etc., otherwise all attempts to judge fairly of the working of the present system, or to reduce the expenses to the lowest possible point, must prove entirely abortive. A large sum of the money appropriated for current expenses, has been

expended for permanent and necessary improvements, for which direct appropriations should have been asked.

A considerable annual saving may be made to the State by giving to the superintendents of the almshouses the authority to compel inmates to leave the institutions, or accept such compensation for their labor as may be offered by those desiring their services, and approved by the inspectors. It appeared in evidence that cases were of frequent occurrence where board and small wages were offered for the services of paupers, which the latter refused to accept, demanding the highest wages paid to the most valuable help. The superintendent at Bridgewater testified that if he had possessed the power to compel his inmates to work for their board, in suitable families, he could have obtained employment for three hundred since last November. The superintendent at Tewksbury also testified to the necessity and advantage of such power. There is no justice nor charity in supporting able-bodied men and women in idleness, who have opportunity to earn their own living.

The present law requires the inspectors to indenture the boys from the institutions who are placed in families. The indenture is represented to be, in many instances, an objection on the part of those desiring boys, and productive of a bad effect on the boys themselves. The committee recommend that it be left discretionary with the inspectors, to indenture or not, as they may think best.

Your Committee consider it vitally important that some kind of daily labor be provided for the inmates; not of a character requiring appropriations for buildings, but such as can be done in the places where hundreds of persons are daily idling in winter, contracting habits of laziness which tend to make them permanent paupers. Within a few weeks the braiding of floor mats has been introduced at Tewksbury, employing about two dozen persons. General work should be provided for all able to labor. If the stock and labor yield the cost of the material, it will be profitable to the State, in nourishing industrial habits, and directly tending to keep out those who, if they knew they would be compelled to labor, would be less likely to apply for aid. It is hoped this matter of labor, so desirable in every point of view, will be attended to by those having the charge and oversight of the institutions, without needless delay. For a year or two, oakum picking has been a feature of the Bridgewater institution.

The Reports of the institutions do not correctly show the actual number of paupers in the State. If a person is admitted two or more

times a year at one establishment, or discharged from and enters another, as is frequently the case, the published statements enumerate them as so many different persons. While the record is correct as to the number of paupers admitted, the enumeration is erroneous as to the number of different persons who receive State aid as paupers. There should be uniformity in this respect, as well as in others. The defects of the present system render comparison between the almshouses, on the same specific basis, entirely out of the question.

A comparison of the salaries paid at the different almshouses is subjoined [Table I].

TABLE I  
COMPARISON OF SALARIES AT STATE ALMSHOUSES

	Monson	Tewksbury	Bridgewater
Superintendent . . . . .	\$1,200.00	\$1,200.00	\$1,200.00
Physician and assistant-superintendent . . . . .	800.00	800.00	1,000.00
Matron . . . . .	300.00	300.00	300.00
Assistant-matron . . . . .	208.00	208.00	250.00
Assistant-physician and clerk . . . . .	500.00	240.00	.....
Engineer . . . . .	390.00	300.00	.....
Watchmen . . . . .	300.00	240.00	300.00
Nurse . . . . .	208.00	260.00	208.00
Farmer . . . . .	400.00	300.00	450.00
Teamster . . . . .	240.00	240.00	350.00
Chaplain . . . . .	400.00	400.00	200.00
Inmate cooking department . . . . .	600.00*	240.00	240.00
Laundry . . . . .	240.00	150.00	208.00
Depot-man . . . . .	240.00	240.00	.....
Teachers . . . . .	1,200.32†	312.00*	450.00*
Charge wards . . . . .	300.00	.....	400.00
Carpenter . . . . .	600.00	.....	300.00
Charge male clothing . . . . .	182.00	208.00	156.00
Charge female clothing . . . . .	182.00		
Baker . . . . .	300.00	.....	.....
Females in superintendent department . . . . .	275.00*	150.00	.....
Taking care of inmates . . . . .	.....	240.00	208.00
Care of boys and heating . . . . .	.....	240.00	.....
Head shoemaker . . . . .	.....	300.00	.....
Office boy . . . . .	.....	.....	274.00
Totals . . . . .	\$9,071.32	\$6,580.00	\$6,500.00

Monson . . . . . 27 persons

Tewksbury . . . . . 21 persons

Bridgewater . . . . . 18 persons

\* Two persons.

† Five persons.

The officers of these institutions receive their board from the State, with the exception of Chaplain and Physician, at Bridgewater and Tewksbury, and Carpenter at Monson.

The difference between the total sum paid at Monson and that paid at other institutions, is caused, in part, by the greater number of teachers employed in the educational department of the former. The school would not suffer by comparison with other schools of a more select character. In other departments, the Committee are of opinion that a material reduction in the aggregate salaries paid, could be made without impairing the efficiency or usefulness of the institution at Monson.

It is believed that a uniform system of rations for each day in the week, alike in all the almshouses, would be productive of economical results.

The Committee recommend that the Board of Inspectors of Rainsford Island be abolished, and their duties devolved upon the Chairman of the Board of Alien Commissioners, and the State Auditor. The direct saving by this measure may not be large, but if it serves, as it is expected it will, to place a check upon the amount of company annually entertained there at the expense of the State, the result will be a saving of not less than \$2,000 a year. The testimony before the Committee on this point was clear; and it is due to the Superintendent to state that he is not responsible for this costly politeness. It is also proper to state that the number of visitors thus entertained the past year, has been less than in former years. A monthly or quarterly visit to Rainsford Island, by the inspectors, is all that the public interest requires. The Committee further recommend that the office of Assistant-Superintendent at Rainsford Island be abolished, the Superintendent testifying that there is no necessity for such an officer. . . .

It is gratifying to the Committee to be able to report a specific reduction of \$10,000 below the sum asked for by the institutions, in response to the call of the Committee who reported the General Appropriation Bill. The reduction is made in conformity with estimates furnished by the superintendents. The statement [in Table II] shows the reduction from the amount originally asked for.

TABLE II

## STATEMENT OF APPROPRIATIONS FOR STATE PAUPER ESTABLISHMENTS

		Present Estimates	Reduction
Rainsford Island Hospital	\$ 32,000.00	\$ 25,000.00	\$ 7,000.00
Tewksbury Almshouse . .	51,000.00	48,000.00	3,000.00
Monson Almshouse . .	45,000.00	44,830.20	103.80
Bridgewater Almshouse . .		37,000.00	.....
	\$105,000.00	\$154,830.20	\$10,163.80

It will be seen that Bridgewater requires the sum originally asked for; Monson is slightly reduced. The reduction of salaries in the latter establishment should further lessen the amount \$1,500, making a total reduction in the amount needed by the institutions, below what was originally asked for, of \$11,663.80. If no other beneficial results were to flow from their investigations, the Committee feel assured that the above saving will be received with satisfaction by the tax-payers of the Commonwealth, as indicative of a practical determination to economize in this branch of the public burdens.

**ALIEN COMMISSION.**—Your Committee did not find time sufficient to prosecute their researches into this branch of the pauper system, so as to feel justified in recommending either that the commission be abolished or continued. Its connection with the administration of the system is, seemingly, so intimate, so closely interwoven, that there appears to be a positive necessity either for the commission or some substitute therefor. In conference with the Joint Special Committee on the reduction of offices, and after comparison of notes, that Committee also declined the responsibility of any recommendation on this point, without further examination.

Your Committee are strengthened by every day's investigation, in the conclusion that there is urgent necessity for carrying out the recommendation of His Excellency for a "vigorous and searching examination of the whole system," particularly upon economic grounds; believing that the more "vigorous," and the deeper the search is extended, in the same ratio will harmony, and consequently economy, be induced. A controlling and regulating head is needed; something more than the advisory power now resting in the Alien Commission. An object on which so large an amount of money is annually expended, an interest every year increasing in importance, and threatening at no very distant day to be one of the most serious financial questions which the people of this Commonwealth will be called on to decide should be seasonably and carefully investigated. In the pauper system of this State, there is now no harmonious and concerted action, no acknowledged or controlling head; but a clashing of authority and purposes, a conflict of duties and powers, prejudicial to the best interests of the State. A remedy could only be effected after a laborious and critical examination of all its merits and defects. From present information it is the *opinion* of the Committee that the several boards of inspectors of the State almshouses should be abolished and the whole conduct of the charities of the State, committed to a Central Board of Commissioners, invested

with all the power to enable them to direct and control the several institutions and their inmates, and exercise a supervisory authority over all the details of the system. Further and more thorough investigation might modify, and perhaps reverse, this *opinion*. Hence, with their present limited knowledge of the actual workings and usefulness of this branch of the system, the Committee do not feel justified in recommending so radical a change.

The investigations of the Committee have sensibly impressed them with the importance of an immediate, minute, thorough, and literally "searching" examination of the whole pauper system of Massachusetts. The brief space of time which can be devoted to so extensive a field of investigation and study, during the session of the legislature, will not suffice for the minute and laborious examination so indispensable before recommending material changes in the present system. The examination should include the entire charities dependent upon the State for support; and the result of such labors could not fail to reduce the annual expenditure for those objects many thousands of dollars. A gentleman holding an honorary connection with an important and expensive charity, stated to the Committee, incidentally, that if he had the authority to perfect the workings of the institution, he "would willingly underwrite to carry it on for \$14,000 less than the present yearly cost." Other testimony, similar in character, came before the Committee. The work of investigation should at once be taken in hand by a committee, who should be required to investigate thoroughly, and report the result of their labors to the next legislature. It is only by such instrumentality that the recommendation of His Excellency can be usefully carried out, and a "vigorous and searching examination of the whole system both upon economic and philanthropic grounds," be effected.

In accordance with their convictions, your Committee herewith submit a Resolve for the appointment of a joint committee to examine the pauper system of the State in all its phases. Such committee should be clothed with authority to investigate the internal as well as external workings of the various charitable institutions of the Commonwealth, —the necessity and usefulness of the Alien Commission,—and also to secure such testimony as may be needed for the intelligent and practical prosecution of their labors. The effect of such investigations would inevitably result in lessening the amount of the drafts upon the State treasury

17. The Lack of a Supervisory Authority<sup>1</sup>

The public charitable institutions directly under the control of the State are nine in number, viz.: three lunatic hospitals at Worcester, Taunton, and Northampton, established respectively in 1820, 1851, and 1855; the reform school for boys at Westborough, established in 1849; the three State almshouses at Bridgewater, Tewksbury, and Monson, and the hospital at Rainsford Island, established in 1852; and the State industrial school for girls, at Lancaster, established in 1854. The dates which we have mentioned indicate the time of the passage of the first legislative Act authorizing the establishments; generally the institutions were not opened until a year or two later. There are also four other charitable institutions which receive annual grants of money from the State treasury, viz: the Perkins' Institution and Massachusetts Asylum for the Blind at South Boston; the American Asylum for the Deaf and Dumb at Hartford, in Connecticut; the Massachusetts Eye and Ear Infirmary at Boston, and the School for Idiotic and Feeble-minded youth at South Boston. These institutions are managed by boards of trustees, in which the State is represented, but the legislature is not concerned for their government, otherwise than by

<sup>1</sup> Extract from *Massachusetts State Charities: Report of the Special Joint Committee Appointed to Investigate the Whole System of the Public Charitable Institutions of the Commonwealth of Massachusetts, during the Recess of the Legislature in 1858* ("Massachusetts Senate Document No. 2," 1859), pp. 3-10.

With reference to the separate institutions, this Committee found that the Boys' School had been too rapidly enlarged and that parents were sending boys there who could be cared for at home (p. 13); the Lancaster School for girls they found most satisfactory (p. 16). With reference to the system of State Almshouses, they found it unsatisfactory, because, while it was much more convenient from the point of view of pauper accounts (p. 19) and while the old system had inadequately compensated the towns, and was unjust in the apportionment of the burden (p. 20) and encouraged idleness by not making grants to "able-bodied" and the standard of being able-bodied was very low, and the new scheme enabled the towns to take better care of their own poor, it had grave disadvantages. For example: (1) partisan administration, (2) tendency of breaking up families to perpetuate dependency, (3) greater difficulty in placing children, (4) or finding work, (5) increased costs of transportation, (a) involved extra school and church facilities, (b) increased risks from fire and from moral and social contamination. The Committee recommended that the system be abandoned after a time "the earliest consistent with the public welfare" (p. 14). They recommended also the installation of a system of uniform accounting, and annual reports covering certain items with reference to which it was important to have comparable data. The Committee also called attention to the importance of preserving the records which should be regarded as the property of the Commonwealth and not of the officials of the institutions.

making the annual grant to aid in their support. The amount of these grants as now established by law appears to be reasonable, and having no doubt that it is wisely and economically applied, the committee give their attention chiefly to the nine institutions which are directly and wholly under the control of the State.

The rapid growth of our system of charities is seen in the fact that of these nine institutions only one existed twenty years ago; and only two of them ten years ago. Indeed seven out of the nine (and these including the most expensive) have been opened within the last five years. Thus the cost of State charities, which was \$82,399 twenty years since, and \$118,034 ten years since, has now swollen into an annual expenditure of more than \$300,000.

Each of these new institutions has been created without especial reference to others, and in no degree as a part of a uniform system. It happens accordingly that there are anomalies in their organization and management, increasing the expense of conducting them, and impairing their efficiency, notwithstanding the most assiduous and most intelligent efforts of the gentlemen to whom their conduct has been separately intrusted. These anomalies are evident upon the most superficial view: for instance, the lunatic hospitals have five trustees each, the reform and industrial schools, seven each, and the almshouses and pauper hospital three each (called inspectors). The superintendents in five of the institutions are appointed by their trustees, and in four others by the executive. The almshouses and pauper hospital owe a qualified allegiance to the board of alien commissioners, of which the others are wholly independent. There may perhaps be good reasons for these differences of organization; our present purpose in mentioning them is simply to indicate the obvious fact that a want of symmetry so palpable on the surface betrays an absence of system—of adaptation of different parts to each other—which cannot fail to produce confusion and loss. No doubt harmless lunatic paupers have been supported in the lunatic hospitals at an expense to the State of \$2.75 per week, who might with equal or greater comfort to themselves have been supported at one of the almshouses at an expense not exceeding \$1.12 per week; paupers have been supported at Rainsford Island at the cost of \$2 per week, whose health would not have suffered by placing them at one of the almshouses, where the cost would have been but about half as much. On the other hand, paupers may have been kept at the almshouses, whose condition would have been improved by treatment at the hospitals.



Our first recommendation, accordingly, looks to the creation by law of a permanent State Board of Charities, to be intrusted with the duty of constantly supervising the whole system of public charities, in order to secure the greatest usefulness, without unnecessary expense. We propose to model this board after the plan of the existing Board of Education, which the experience of twenty years has proved to work admirably. We propose to have a board of five members appointed by the governor for terms of five years each, in such manner that after the first appointments, one new appointment shall be made each year; the members not to be removable except for cause, and to receive no compensation for their services, but to be reimbursed their necessary expenses. They would choose a secretary, who would be their executive officer, having an office in the State House, devoting his whole time to the duties of the position, and receiving the same salary that the secretary of the board of education and the secretary of the board of agriculture now receive, to wit.: two thousand dollars. This arrangement would involve no increased expense to the State, but the contrary, since we propose to devolve upon this new board all the duties of the present board of alien commissioners, which costs annually seven thousand dollars, in addition to an equal sum for the expenses of the superintendent of alien passengers. The present board of alien commissioners, from the awkward nature of its organization, is necessarily an inefficient body, especially since the laws as they now stand fail clearly to define its powers and duties. It consists of three members, two of them State functionaries who may be presumed to have sufficient employment to occupy their time in the discharge of the legitimate duties of their primary offices, and one other member, who was at first selected from the executive council, but since 1855 has been appointed at large. This arrangement was doubtless designed by the legislature which originally adopted it to save expense in creating a board composed wholly of members who were already paid servants of the State; but it completely failed of this purpose, since these officers were paid an extra sum for their services as commissioners every year until the present, when this duplication of salaries was prohibited by law; but the prohibition has effected but little saving as regards the alien board, since the salary of the superintendent of alien passengers was very properly raised in anticipation of its operation, and the third member of the board had previously become an independent commissioner, not holding any other office. The office of superintendent of alien passengers must be retained, if for no other reason because that officer is a col-

lector of State revenues, some ten or fifteen thousand dollars of head-money or commutation being annually paid into the treasury by him. A considerable part of the other expenditures of the superintendent and of the commission of alien passengers doubtless will be necessary under any organization that may be adopted; but it is sufficiently clear upon a superficial view, and a careful analysis of details confirms the fact, that the establishment of the State board which we propose, and the abolition of the alien board as at present constituted, will not only make no increased expense to the State, but will probably result in a saving.

We propose to give to the State Board of Charities thus constituted, permanently, the same general powers of examination as were conferred upon ourselves by the Resolve under which we are acting with regard to all the institutions, including those which receive grants of money only, as well as those which are under the direct and exclusive control of the State. We propose further that this board shall have full power to transfer inmates from one institution to another, and for this purpose to grant admittances and discharges, in the form of precepts addressed to the immediate officers of the several institutions, and binding on them. In other respects we do not propose to confer upon the central board power to interfere in any manner with the actual management of the several institutions otherwise than by offering counsel and advice; appealing if need be to the constituted authorities, executive, judicial or legislative, for aiding the enforcement of the laws if they are disregarded; but in general co-operating with the managers of the several institutions, and (what is equally important) leading them to co-operate with each other. Our own experience justifies us in believing that a power of this sort will be ample to promote the desired object, without absolutely subordinating the managers of the several institutions to the central board. Although our powers are only those of examination, ending with a report to the next legislature, we have found the superintendents, trustees, inspectors and other officers of the several institutions not only willing to receive suggestions from us, but generally anxious to solicit them; and whenever practicable, to carry them at once into execution of their own accord. We make no doubt that the same generous spirit of solicitude to advance the welfare of the various institutions by the ready adoption of every new means of usefulness that may be suggested, from whatever source, and even without the absolute power to enforce its immediate adoption, will be found always to prevail. At the same time, after the State

Board of Charities has once been established as a permanent part of the administration of the affairs of the State, it will be very easy for the legislature from time to time to add to its powers such general provisions as experience may show to be necessary to promote the highest degree of efficiency.

On no account, however, would we destroy the boards of trustees or inspectors attached to the various separate institutions; we would neither impair their powers nor seem to abate the public confidence in their faithful discharge of their duties from which springs in honorable minds a sense of responsibility forming the surest guaranty of wise and careful management that the State can obtain. It is impossible to estimate too highly the debt of gratitude due from the people of Massachusetts to the gentlemen who have acted as trustees of our lunatic hospitals, reform and industrial schools, in every instance without pay for their services, and often refusing even the reimbursement of their expenses which the law allows. Men of the highest talents and attainments, occupying honorable positions in public life, or the most respected in private life, have in this way ungrudgingly given to the State long-continued and painstaking services, to the interruption of their private avocations, in a manner which cannot be requited. We would do nothing to fetter the sphere of duties discharged by such men. The only change which we propose with regard to the boards of trustees of the lunatic hospitals, the reform schools and industrial schools, is to make the number uniformly five for each institution, which experience shows is as large a number as can be conveniently assembled together; and we wish farther to insure as far as possible, their selection in each case from the neighborhood of the institution with which they are to be connected. During the long period that the lunatic hospital at Worcester was the only State institution, there was very naturally an impression on the part of the appointing and confirming powers, that all portions of the Commonwealth ought to be represented in its board of trustees; and the same feeling has been perpetuated to a greater or less extent with regard to all the institutions to this day. But now that there are nine institutions, scattered all over the State, it is clear that this usage is no longer required by reason; on the contrary the desired distribution of authority may be better secured by confining the election of trustees and inspectors for each institution, to its own neighborhood. The advantage of this is obvious, in promoting greater convenience for more frequent meetings, and at the same time causing less expense for travel. We attach so much importance to this point,

chiefly from the former consideration, (as the travelling fees are seldom if ever excessive), that we have desired to introduce its observance into the law, and have considered the expediency of limiting the executive choice of trustees to the county where the institution is located, or to a range of 20 or 30 miles about it; but an arbitrary limitation of this kind may sometimes prove inconvenient, in excluding the very best man for a place merely on account of residence; besides 20 miles on a railroad is practically a less extent than half the distance on a common highway. We have concluded therefore to propose simply that the selection shall be made as far as practicable from the neighborhood of the institution, leaving it to the discretion of the appointing power to apply this principle with due regard to the peculiar circumstances of any exceptional case. We have dwelt at some length upon the point, with a view to impressing our judgment of its importance, upon those into whose hands may fall the opportunity of carrying it into execution. It is to be observed that the central board will supply any deficiencies that might exist on the score of locality, in representing all parts of the State in the management of all the institutions.

We propose to provide explicitly by law, that the trustees shall hold their offices severally for the full term of five years, unless sooner removed for cause. It has been a question whether trustees of the lunatic hospitals are removable at the pleasure of the governor; the usual practice has been to suffer them to hold their offices for the full term; but governors Gardner and Banks each in a single case created a vacancy by removal. It is worthy of notice that in both instances, this was done to provide for the appointment of gentlemen who had previously rendered service to the same institutions under former appointments, the renewal of their connexion therewith doubtless being deemed an object of consequence to the best interests of the charity. But the danger to our institutions which would follow if the usage should become general of changing the trustees every year, especially if it should be done hereafter from partisan considerations, seems to us so appalling, that we propose to provide that the trustees shall not be removable before the expiration of their terms except for cause.

The original Act relating to the lunatic hospital at Worcester provided that a trustee whose term had expired should not be reappointed except after an interval. We can conceive no good reason for maintaining it. If a shadow of ground exist for the suspicion that any trustee had become unfitted for further service by five years' experience, of course the governor will not reappoint him; but in most cases, experi-

ence will but add to the late incumbent's qualifications, and if he is willing to continue in harness, we see no reason why the governor should be prohibited from appointing him immediately to another term.

In general, what we have said with regard to the trustees of the lunatic hospitals, reform and industrial schools, will apply with equal significance to the inspectors of the almshouses and pauper hospitals. There are these differences, however; the boards of inspectors consist only of three members each, (which number we do not deem it expedient to change), and the principle of selecting them from the neighborhood of the institution is already pretty well established, although we trust it may be closely preserved. The inspectors of the almshouses, moreover, are allowed salaries of one hundred dollars each per annum, and those of the pauper hospital at Rainsford Island, one hundred and fifty dollars. These sums are altogether too inconsiderable to be grudged in the aggregate account of expenditure for the support of the State charities, and in many instances, no doubt, they are not regarded by the incumbents of the offices as worth a moment's thought. There have been cases, we know, in which gentlemen who have served as inspectors, have acted with as much disinterestedness as the trustees of lunatic hospitals whose generous and unselfish devotion to the service of the State, without pay, we have already warmly commended. But upon the whole, with rare and bright exceptions, this paltry salary of \$100 or \$150 has operated to make the office the desideratum of some politician of attainments and capacity not much superior to the reward he covets. We may be wrong in expressing this opinion; if so, we are simply confirmed in the wisdom of the recommendation which we make: we propose to abolish this petty salary altogether; and to put the inspectors of the almshouses on the same footing as the trustees of the lunatic hospitals.

With regard to the board of inspectors of the hospital at Rainsford Island, we propose that it be abolished, as the State Board of Charities can appoint the officers, and exercise all needful powers of inspection for this institution, with perfect convenience, especially when the operations of the establishment are reduced to the scale proposed in a subsequent part of this *Report*. In proposing this measure, in fact, we are simply reiterating the will of the legislature, already expressed. A bill for the abolition of this board passed both houses at the last session, but by some accident, after being engrossed, was mislaid, and failed to receive the signatures of the presiding officers, and accordingly was not sent to the governor and did not become a law.

**18. A General View of the Charitable Organization in  
New York, 1857<sup>1</sup>**

Mr. Spencer from the select committee appointed by the Senate, under a resolution passed February 7, 1856, "to visit, after the adjournment of the Legislature, all charitable institutions supported or assisted by the State, and all city and county poor and work houses and jails," and "to examine into the condition of the said establishments, their receipts and expenditures, their methods of instruction, and the government, treatment, and management of the inmates, the conduct of the trustees, directors, and other officers of the same, and all other matters whatever pertaining to their usefulness and good government,"

*Reports:*<sup>2</sup>

Since the adjournment of the Legislature, they have, for five months, with some intermissions, been engaged in the investigations required by the resolution of the Senate. They have diligently examined into the existing condition of the poor houses, work houses, hospitals, jails, orphan and lunatic asylums, and other charitable and reformatory institutions, supported or assisted by the State; and have committed to writing the evidence taken in the course of their investigations, an abstract of which is appended to this *Report*.

Much of the evidence is necessarily of such a character, that a publication of it, in detail, for general perusal, would not be desirable. The abstract prepared by the committee, as an appendix to this *Report*, is sufficient for the purpose of illustrating and sustaining the criticisms, remarks and arguments of the committee, and of communicating such statistics and details, not otherwise contained in the *Report*, as seem to be requisite for public information.

<sup>1</sup> *Report of Select Senate Committee to Visit Charitable and Penal Institutions, 1857* ("New York Senate Document No. 8," 1857), reprinted in *Thirty-seventh Annual Report of the State Board of Charities of the State of New York, I* (1903), 795-820.

<sup>2</sup> The Senate having ordered the printing of an additional number of copies of this *Report*, an opportunity is afforded the committee of saying what was omitted when it was submitted to the Senate, that all their visits were necessarily made during the summer and autumn, when it will be seen that the average number in the poor houses is twenty-five per cent. less than in the winter. It is apparent, therefore, that they were seen under the most favorable circumstances, and that they did not witness the suffering that might be seen at this season, when the sleeping rooms are crowded, the want of fuel, clothing and bedding most felt, the destitute condition of the children more pitiable, and more general suffering prevailing, and they feel called upon to make this explanation, as many of these houses have been recently visited by those long accustomed to such duties, and who represent them in a much worse condition than they are reported by the committee.

## I. POOR HOUSES, ALMS HOUSES, AND KINDRED CHARITIES

Exclusive of the alms houses and poor houses in New York and Kings counties, (which are particularly referred to in the appendix), there are fifty-five poor houses in the State; the average number of inmates for the year, according to the testimony taken by the committee, being 6,420. The actual number of inmates at the time when the committee was engaged in its examinations, was 4,936, of which 2,670 were foreign born, and 1,307 were children. During the past year, the number of deaths in these fifty-five poor houses was 770. Such a great mortality as this number indicates, should arrest the public attention.

The number of lunatics found confined in the poor houses (excepting those in New York and Kings counties) was 837, (329 males and 508 females), of which number 301 were received during the last year. Of the whole number, 130 were reported as being in *cells* and *chains*. During the year, 59 improved, and 26 recovered. All were *paupers* except 27. Why these twenty-seven should be confined in a *poor house* can only be accounted for by the inadequate provision now made by the State for accommodating the poor insane. This circumstance impressed the committee with the urgent necessity of providing additional establishments similar to the State Asylum at Utica. At least two such are required for present emergencies. A bill was reported to the Legislature at its last session, by a select committee of the Senate, providing for this necessity, which in its principal features, at least, and probably in its details, deserves the favorable consideration of the Senate, and, in the judgment of the committee, ought to become a law. Sufficient reasons for such an opinion may be found in the *Report* of the select committee who introduced the bill, and they are fortified by the facts attested to by the various witnesses whose testimony is appended to this *Report*.

There was found in these poor houses 273 idiots, 25 deaf-mutes, and 71 blind persons. Of those numbered as idiots, many are simply demented, and are suitable subjects for lunatic asylums. The average weekly support of the inmates is eighty-three cents.

The poor houses throughout the State may be generally described as badly constructed, ill-arranged, ill-warmed, and ill-ventilated. The rooms are crowded with inmates; and the air, particularly in the sleeping apartments, is very noxious, and to casual visitors, almost insufferable. In some cases, as many as forty-five inmates occupy a single dormitory, with low ceilings, and sleeping boxes arranged in three tiers

one above another. Good health is incompatible with such arrangements. They make it an impossibility.

The want of suitable hospital accommodations is severely felt in most of the poor houses. The sick, considering their physical condition, are even worse cared for than the healthy. The arrangements for medical attendance are quite inadequate to secure that which is suitable; the physician is poorly paid, and consequently gives only such general attention as his remuneration seems to require. In some cases, the inmates sicken and die without any medical attendance whatever. In one county almshouse, averaging 137 inmates, there were 36 deaths during the past year, and yet none of them from epidemic or contagious disease. Such a proportion of mortality indicates most inexcusable negligence.

A proper classification of the inmates is almost wholly neglected. It is either impossible, or when possible, it is disregarded. Many of the births occurring during the year are doubtless, the offspring of illicit connections. During the last year, the whole number of births was 292. The indiscriminate association of the sexes generally allowed strongly favors this assumption. By day, their intercourse is common and unrestricted; and there is often no sufficient safe-guard against a promiscuous intercourse by night. In one case, the only pretense of a separation of the sexes consisted in the circumstance of separate stairs being provided at each end of a common dormitory; and a police regulation, requiring one sex to reach it by one flight, and the other sex by another, appeared to be deemed a sufficient preventive of all subsequent intercourse.

In two counties, the committee found that the poor houses were supplied by contract, the contractor being allowed to profit by all the labor which he could extort from the paupers. In *both* counties, the contractor was a *superintendent of the poor*; and in *one*, he was *also keeper of the poor house*. In one, the keeper received his compensation from the contractor; and in this case, the food supplied was not only insufficient in quantity, but consisted partly of tainted meat and fish. The inmates were consequently almost starved. They were also deprived of a sufficiency of fuel and bedding, and suffered severely from cold. So gross and inhuman was the conduct of the contractor for this poor house, that two female inmates (lunatics), were frozen in their cells (or rather sheds), during the last winter, and are now cripples for life.

The treatment of lunatics and idiots in these houses is frequently



abusive. The cells and sheds where they are confined are wretched abodes, often wholly unprovided with bedding. In most cases, female lunatics had none but male attendants. Instances were testified to of the *whipping* of male and female idiots and lunatics, and of confining the latter in loathsome cells, and binding them with chains. In one county, where eleven lunatics were confined, six were in chains, some of whom were females. In several of these cases, the patients were not violent; but it may be proper to say that the severity and inhumanity of their treatment were probably owing to the apprehensions and ignorance of the keepers, rather than to any intentional harshness or any unkindness of disposition.

In some poor houses, the committee found lunatics both male and female, in cells, in a state of nudity. The cells were intolerably offensive, littered with the long accumulated filth of the occupants, and with straw reduced to chaff by long use as bedding, portions of which, mingled with the filth, adhered to the persons of the inmates and formed the only covering they had.

A great evil of the poor houses is idleness. Its effects are most visible in the winter season, when the houses are crowded, when there is little out door work to be done, and when the inmates are in the most vigorous state to do full work. In all the large counties, at least, work houses should be established, either in connection with the poor houses or as distinct establishments; and suitable legal power should be given to the proper officers to consign able bodied paupers to the work house instead of the poor house proper. Such work houses would tend to diminish pauperism; at all events, to diminish the burthen of it. Under suitable regulations, and with little public aid, the committee are satisfied that work houses, if generally established, would become most useful and economical auxiliaries in the support of paupers, and in restoring them to positions of independence and respectability.

A still more efficient and economical auxiliary in supporting the poor, and in the prevention of absolute pauperism, consists, in the opinion of the committee, in the proper and systematic distribution of *out door* relief. Worthy indigent persons should, if possible, be kept from the degradation of the poor house, by reasonable supplies of provisions, bedding, and other absolute necessities, at their own homes. Half the sum requisite for their maintenance in the poor house would often save them from destitution, and enable them to work in their households and their vicinity, sufficiently to earn the remainder of their support during the inclement season when indigence suffers the most,

and when it is most likely to be forced into the common receptacles of pauperism, whence it rarely emerges without a loss of self respect and a sense of degradation. The committee are confirmed in their opinion by the success of the system of *out door* relief practiced in the city of New York; and they see no good reason why a similar system might not be adopted throughout the State, with great benefit to the several counties, as well as to those indigent persons who require only occasional assistance. The present provisions of law seem to be inadequate and ill-suited to the purpose.

In many instances the committee learned that the poor houses were not visited by the supervisors for more than a year. They cannot but regard this as a gross neglect of public duty, and therefore submit it to public criticism, and to such legislative interference as may effect a more efficient supervision.

It will be seen that in the counties of Queens and Suffolk, no county poor houses are established. By the appendix it will appear that a poor house for two towns, in Queens county, was visited by the committee, but here they saw nothing creditable to those having charge of the establishment, and it was understood, in some of the other towns of that county, the man who would *bid* the lowest price, secured to himself the profit of keeping the poor of the town, and that they were accordingly delivered to his *care*. The committee visited one town poor house at River Head, in the county of Suffolk, and though there were only three or four inmates seen, they were evidently well provided for and kindly treated. It was represented that there were similar provisions made in all the other towns in the county.

The opinion is prevalent that the poor houses are asylums for the worthless and vicious only. Among the inmates, however, the committee found persons of great worth and respectable character, reduced to extreme poverty, not by any vice or fault of their own, but by some inevitable loss of property, or of friends and relatives, who, if living, would have supported them in their age and infirmities. In one county, they met with a soldier who had served under Washington in the wars of the revolution, still of sound mind, and in good health; but who was until lately ignorant that he was entitled to a pension that would suffice to make the residue of his life comfortable outside of a poor house. He is now about to obtain it, as he doubtless deserves it. Poor houses, if properly conducted, might be what they were originally designed to be, comfortable asylums for worthy indigence. To suffer them to become unsuitable refuges for the virtuous poor, and mainly places of confine-

ment for the degraded, is to pervert their main purpose; and the present management of them is such that decent poverty is virtually excluded until the last extremity of pauperism is reached, when the necessity of supporting mere existence compels it reluctantly to seek the scanty comforts of a poor house rather than to suffer the horrors of starvation outside.

The most important point in the whole subject confided to the committee, is that which concerns the care and education of the children of paupers. There are at least thirteen hundred of these now inmates of the various poor houses, exclusive of those in New York and Kings county;<sup>1</sup> enough, in these nurseries, if not properly cared for, to fill some day all the houses of refuge and prisons in the State. As receptacles for adult paupers, the committee do not hesitate to record their deliberate opinion that the great mass of the poor houses which they have inspected, are most disgraceful memorials of the public charity. Common domestic animals are usually more humanely provided for than the paupers in some of these institutions; where the misfortune of poverty is visited with greater deprivations of comfortable food, lodging, clothing, warmth and ventilation than constitute the usual penalty of crime. The evidence taken by the committee exhibits such a filth, nakedness, licentiousness, general bad morals, and disregard of religion and the most common religious observances, as well as of gross neglect of the most ordinary comforts and decencies of life, as if published in detail would disgrace the State and shock humanity. The committee hesitates to record in the pages of their report the particular instances which would amply justify their general condemnation of these misnamed charitable provisions for the *adult* poor. But with respect to *children*, the case is far worse; and the committee are forced to say that it is a great public reproach that they should ever be suffered to enter or remain in the poor houses as they are now mismanaged. They are for the young, notwithstanding the legal provision for their education, the worst possible nurseries; contributing an annual accession to our population of three hundred infants, whose present destiny is to pass their most impressible years in the midst of such vicious associations as will stamp them for a life of future infamy and crime. From such associations they should be promptly severed; and provision should be made for them either in asylums devoted to their special use, or in such orphan asylums as would consent to take charge

<sup>1</sup> [The facts about New York and Kings counties are in an appendix of this *Report* and are not reproduced here.]

of them for a fair compensation to be provided by the State, or by the several towns and counties properly chargeable with the expense.

Although pauperism is not in itself a crime, yet that kind of poverty which ends in a poor house, unless it is the result of disease, infirmity, or age producing a positive inability to earn a livelihood, is not unusually the result of such self-indulgence, unthrift, excess, or idleness, as is next of kin to criminality. With such pauperism as that, it is certain that the young should not be associated and trained to maturity; for it is an association with discomfort, evil manners, profanity, and licentiousness. The education which the statutes provide for them is not suited to their particular case. In-door instruction is often confided to unfit and vicious teachers; and the attendance of pauper children at schools in the vicinity of the almshouse is accompanied by a sort of disgrace attaching to their position which has a most unfavorable influence. Orphanage is not subject to the like stigma; and therefore to go from an orphan asylum to a public school does not expose the orphan to the same taunts and inconsiderateness that follow the pauper child who is the inmate of a poor house; which is generally reputed, in its vicinity, as a habitation for vice and degradation, so low has it fallen from its original purpose.

If adequate provision cannot be made in the various existing orphan asylums, and such as may be hereafter founded, for the support and education of these unfortunate children of poverty, as a consideration for increased benefactions from the State or from the counties, then the committee most earnestly recommend the establishment of special institutions for the purpose of maintaining and educating them by themselves, apart from the contaminations which now surround and vitiate them. It would, in the end, prove a most useful and economical public charity, and one which the present state of the almshouses seems to demand very urgently, if the welfare of succeeding generations is worthy of the care of the present one.

Attempts have been made, in some of the counties, to establish separate asylums for *insane* paupers. As a saving of expense to the county in the maintenance of these appears to be a principal object, it is obvious to the committee, considering all the circumstances requisite to be observed, that such efforts must terminate either in sacrificing the lunatic or the purpose of economy sought to be achieved. A lunatic asylum for every county, properly constructed, on suitable grounds, and with due regard to warmth, ventilation, bathing, and all the peculiar necessities of the insane, including suitable medical and other at-

tendance, must necessarily involve not only an original outlay, but a constant annual expenditure, far exceeding, in comparative amount, that which would be incurred for the support and care of the same number of inmates in four or five larger institutions properly distributed throughout the State. So many different asylums could not employ, without extravagance, the necessary medical aid and experience; and they could not be so constructed and arranged, without great expense, as to allow of a proper and essential classification of the patients whether for health, improvement, or cure. They would doubtless serve to ameliorate somewhat the condition of those who are now unfortunately confined to the ordinary almshouses; but, at considerable additional expense to the counties, they would still leave them in a worse condition than if they were the inmates of an asylum assisted and managed by the State.

It would not be difficult to show that it must cost a county more to support an independent asylum for its insane poor, with the same care of the patient, than to send them to the State Asylums and support them there. It would be still easier to show that if the difference of cost were the reverse of that, the well-being of the insane will be sacrificed in an equal or greater proportion. The parsimony which would stint them in the enjoyments and comforts that might conduce to their restoration, if curable, and would certainly solace their nights and days if incurable, is very questionable in its humane, as well as its economical aspects. In the opinion of the committee, therefore, it is not desirable to encourage the foundation of such a multiplicity of lesser asylums as would place each county on an independent footing with respect to insane paupers. It is bad economy, and worse humanity; and the tendency of it must be to send to the State Asylum as "indigents" simply, *and at the charge of the counties*, "many who are legally paupers," and who, under that designation would, but for the interference of humane friends and considerate judges, be necessarily consigned to such unfit abodes as the county asylums, to be at the mercy of some selfish contractor, who might farm out a contract made on starvation estimates to some subordinate who must reduce the starvation limit still lower, if he would not starve himself. . . .

Before passing from the subject of poor houses, the committee may be allowed to say that it is much to be regretted that our citizens manifest so little interest in the condition even of those in their immediate neighborhood. Individuals who take great interest in human suffering whenever it is brought to their notice, never visit them, and are

entirely uninformed, that in a county house almost at their own doors, may be found the lunatic suffering for years in a dark and suffocating cell, in summer, and almost freezing in the winter,—where a score of children are poorly fed, poorly clothed, and quite untaught,—where the poor idiot is half starved and beaten with rods because he is too dull to do his master's bidding,—where the aged mother is lying in perhaps her last sickness, unattended by a physician, and with no one to minister to her wants,—where the lunatic, and that lunatic, too, a *woman*, is made to feel the lash in the hands of a brutal under-keeper—yet these are all to be found—*they all exist in our State*. And the committee are quite convinced that to this apparent indifference on the part of the citizens, may be attributed in a great degree, the miserable state to which these houses have fallen; and they would urge upon the benevolent in all parts of the State to look into their condition, and thus assist to make them comfortable abodes for the indigent and the unfortunate.

## II. ORPHAN ASYLUMS

It is agreeable to turn from the consideration of the poor houses and their mismanagement, to the examination of the Orphan Asylums to which the benefactions of the State are contributed. The committee visited them all. Whether it be that the principal charge of these is confided to females, or whatever be the cause, it is certain that with less comparative expenditure of the public moneys an incomparably greater amount of comfort, cleanliness, kind treatment, health, and good education is secured to the inmates, than happens to be the lot of the paupers in our poor houses.

To a cordial expression of praise respecting the general management and good condition of the Orphan Asylums, the committee most cheerfully add a recommendation of them to the liberal support of the State government; and especially if additional benefactions can be made the means of relieving the poor houses of their young inmates, by providing for their support and education in the Orphan Asylum as heretofore suggested by the committee. Children, whose parents are paupers in the legal sense, and actual residents in pauper asylums, are generally to all practical intents as much orphans as those who are deprived by death of their natural protectors; and their actual condition is much more pitiable. An association with their destitute parents, and their necessary poor house companions, is not only a deprivation of the attention and comforts which they ought to enjoy during their tender years, but it is a fatal exposure to examples of most evil tenden-

cy. Their chance to become virtuous and exemplary citizens is the most desperate of all human chances; and upon a future generation is inflicted the necessary consequence of supporting them as criminals in our jails and prisons.

The Orphan Asylums are twenty-six in number and contain 2,816 children, of whom 2,224 are of foreign parentage, to whose support the State appropriates the annual sum of thirty-five thousand dollars.

In connection with this fact the committee desire to state that the cost to the public of supporting 678 prisoners confined in the jails, is eighty thousand seven hundred and thirty dollars. The inference is, that to educate one orphan to usefulness, the public treasury expends less than one-tenth as much as it does to maintain one useless convict in jail.

At suitable ages, orphan children are placed in respectable families, (by which they are frequently adopted as children), or they are indentured, the boys to farmers and mechanics, the girls to learn housekeeping and needle work. The care of the managers still follows them beyond the precincts of the asylum, until they become of age, and if they are unsatisfactorily provided for, or are ill-treated, new situations are obtained for them. The committee in all cases made strict inquiry as to the standing and reputation of the inmates who had left the asylums, and it was ascertained that, with few exceptions, they became good and useful citizens.

### III. LUNATIC ASYLUMS

For statistical and other details respecting the lunatic asylums endowed or assisted by the State, the committee refer to the appendix to this *Report*. They are as well and efficiently managed as is possible with the means and conveniences at the command of the superintendents and managers, and in conformity to the existing provisions of law. A particular examination of these has forced the committee to a conclusion which seems to have been generally adopted by the superintendents and managers of such asylums, both in this country and abroad; that the common practice of transferring insane *convicts*, or convicts assumed to be so, from the prisons to the lunatic asylums is impolitic, injurious and unjust. Lunacy has no necessary association with crime; nor should lunatics be enforced to an association with criminals. It is an association every way detrimental to the lunatic, and no way beneficial to the criminal. While lunacy may be wisely deemed a sufficient cause for absolving a convict from punishment, it is not a sufficient one for letting him loose on the community at large, and much less upon that

afflicted portion of it, for whose protection and care asylums are founded and maintained. A decent respect for their infirmity demands that they should not be legally associated with those outcasts of society who, in the possession of their faculties, have degraded themselves by crime.

The original act establishing the State Lunatic Asylum made no provision for *insane convicts*; and experience shows that it was wisely framed in that particular. Of fifty convicts discharged from incarceration for crime, and transferred to the State Lunatic asylum, fourteen eloped soon after the transfer. Only one or two of these were really insane. The others feigned insanity. They were mostly burglars or robbers, who preferred the chances of escape from an ill-protected asylum, to the certainty of detention in a well guarded prison, and who therefore simulated insanity as the shortest way to impunity and freedom.

The existing statutes seem to favor such modes of escaping the penalties of crime, and defeating criminal justice. While the law requires that a plea of insanity interposed before conviction shall be tried by a jury upon competent evidence, yet, after a conviction, it allows a question of insanity to be decided by the sole judgment of the medical and other officers of a prison (not usually experts in insanity,) who are legally empowered to transfer a convict from a prison, where labor and severity of treatment are his due punishment, to an asylum, where he is not only free from both, but is tempted by a facility of escape of which he does not hesitate to take speedy advantage. A prison is a place of strict confinement and enforced labor, by way of *punishment*; an asylum is simply a place of confinement, by way of isolation, and for the benevolent purpose of protection and *cure*. To make the two places common, is to confound two different intents of the law and of humanity, and to defeat both.

It seems to the committee, therefore, that there is an imperative necessity to provide some safe building connected with a public prison, as a part of its hospital department, to which convicts who are found, on a proper legal investigation, to be insane, may be removed; and in which they may be confined, not only for the cure of their insanity, but for the safe keeping of their persons, and for the protection of the community against their criminal propensities. Their case is very different from the case of the usual inmates of lunatic asylums. They have been convicted justly of crime; and, but for their subsequent infirmity, would expiate their offence by the usual severities and disgrace of incarceration. Lunacy should absolve them from actual punishment;



but it should not involve the innocent insane in the terrors, dangers and disgrace of an association with them.

While the committee, for these reasons, feel constrained to recommend, most earnestly, the establishment of a separate institution for insane convicts, they are equally constrained to recommend a greater conformity to the usual forms of law and judicial proceeding, in solving the question of their insanity. The present looseness in that respect, produces great evil. If it be proper as it has always been customary, to require that no person shall be deprived of the control of his person or property without an inquisition by a jury, on due legal proof, as to his capacity to control himself and his affairs; or if it be proper that a person indicted for a crime, who offers a plea of insanity for his defence, should have the question of his sanity tried by a jury; it certainly seems to be much more important, that *after a due conviction* on the verdict of a jury, under the instructions of a court, it should not lie in the mere discretion of the medical and other officers of a prison, to subvert the course of criminal justice, and to dismiss a convict from the rigid constraints of a prison to the comparative ease of an asylum, and the consequent facility of an escape to renew his offences. Whenever the question of insanity arises in respect to crime and its penalties, it should be judged according to the usual forms of the law; and more strictly so *after a conviction* than *before* it. A conviction is the legal stamp of guilt, after all the evidence of both parties is heard: an indictment is merely the formal suggestion of it, after hearing the evidence of the accuser only. The opinion of the medical officer of the prison, (especially if he be an expert in insanity), respecting the sanity of a convict, might suffice for some emergency, or for a temporary purpose, but it should not suffice to discharge him from punishment, nor be tantamount to an overruling of the judgments of courts and juries and the sentence of the law. An allegation of insanity, pending imprisonment, should be tested as formally, and by the same judicial modes as a plea of insanity pending a trial. The same reasons apply to both circumstances, and with more force after a conviction. Medical advisers are important in their place; but it is not their particular vocation to be the substitutes for courts and juries, or to have a substantial appellate power, enabling them as the statutes now do, to overrule in the most informal and summary way, both courts and juries, as well as to exercise a kind of executive power by virtually remitting or modifying the punishment of crimes.

The committee do not by any means intend to intimate that the

discretion of the officers of the prisons in this State, in regard to insane convicts, has been abused or misdirected. They state the case upon general principles. The insanity of convicts, like the insanity of other men, should be ascertained by the usual legal modes. The inquisition of a jury may not be absolutely the surest way of reaching the truth; but it is the usual way, conformable to the common law, and to the feeling and customs of the country. If such an inquisition be properly required by law to test a plea of insanity interposed to an indictment before a conviction, it seems to be more requisite after a conviction when the effect of it may be to discharge the convict from a penalty to which a jury on suitable evidence, had adjudged him to be legally amenable, and to which the court had given its sanction by pronouncing a sentence according to the degree of the offence.

The whole number of convicts who become really insane is not so great as to demand extensive accommodation for their especial use; and those who simulate insanity deserve as little accommodation as consists with security. A small appropriation for a building to be erected on the capacious grounds inclosed within the outer wall of the Auburn prison, would enable the State to make a fair experiment of a separate establishment for insane convicts; an experiment which is demanded by humane considerations towards lunatics not under conviction for crime, as well as for the protection of the community against those who are.

The grounds of the Auburn prison have been suggested by the committee as a site, because of the centrality and healthfulness of the position, the magnitude of the area now safely inclosed (about four acres) and the economy with which the proposed experiment may be made. Should the Legislature see fit to found such an asylum, it should be placed under the general charge of the Inspectors of Prisons. But there should also be a board of visitors, having the same general powers and duties as the Managers of the State Lunatic Asylum, and to be appointed in the same manner. A majority of them should be of the vicinage to facilitate the performance of their duties.

The asylum being a part of the hospital department of the prison, the physician of the prison should be its ordinary physician and superintendent. But he should be at liberty to consult with the superintendents of such lunatic asylums as are within the control of the State authority, and it would be made their duty, by law, to give him their advice whenever required.

The discipline of such an asylum should not, of course, be the ordi-

nary discipline of prisons; but provision should be made for the employment of its inmates in such modes of labor as may conduce to their support, with due regard to their health, and to their physical and mental improvement. Their insanity having been duly ascertained by the inquisition of a jury before their removal from the prison proper, they should be legally presumed to be insane, and retained in the asylum, until another inquisition shall establish their sanity, and they should then be recommitted to prison to pay the prescribed penalty for their crimes. The prison physician should therefore be required in all cases, whether of feigned insanity or of presumed restoration to reason, to apply to the proper tribunal for an inquisition to establish the fact, and the verdict of the jury should determine the question of confinement whether in the prison or in the asylum.

#### IV. ASYLUMS FOR IDIOTS, DEAF-MUTES AND THE BLIND STATE IDIOT ASYLUM

The asylum for idiots was established, and commenced receiving pupils in 1851. It was first opened and placed under the direction of a board of trustees appointed by the State, a few miles north of the city of Albany, where it continued till August, 1855. The success of the undertaking being established, larger accommodations were required, and it was determined to erect suitable buildings in a more favorable location.

The citizens of Syracuse having offered to contribute a sum nearly sufficient, to purchase suitable grounds near that city, eighteen acres of productive land were bought for the site of the new asylum, and in September, 1854, the corner stone of the new edifice was laid. The site is an elevated one, being sixty feet above the general level of the plain, upon which the city of Syracuse is built, and commands a fine view of the surrounding country. The building which presents a pleasing exterior, was completed in August, 1855, and the pupils removed to it in the following month. It is constructed according to a plan submitted to the Legislature in 1855. The convenience, comfort and safety of the pupils are apparently well provided for; the school rooms are hardly surpassed in convenience of arrangement by any in the State; the whole are well warmed, the dormitories well ventilated, and a large gymnasium affords all necessary facilities for training the physical organs, so necessary to children of this class. The whole property has not cost over 75,000 dollars; and an examination of the buildings convinced the committee that the money of the State has been judiciously and economically expended by the trustees.

The asylum is capable of accommodating 150 pupils, and there are now 104 under instruction. The annual expenses will be found to be 16,000 dollars and last year 2,333.88 dollars was received from paying pupils. In consequence of the failure of the annual appropriation a considerable balance against the asylum has accumulated, which the trustees have been compelled to borrow upon their individual responsibility, and from which they should be promptly relieved. By its failure also the operations of the asylum for the current year have been greatly retarded; a number of indigent idiotic children entitled to admission have been refused, and provision ought to be made if possible against the effects of a similar occurrence. . . .

The committee had full opportunity to witness the system of instruction in the asylum, the chief object of which is to raise the imbecile from his degradation and awaken him to a consciousness of existence as a moral and intellectual being; and it was truly gratifying to find that these unfortunate ones are susceptible of a high degree of improvement. This however can only be accomplished by a skillful, enthusiastic, patient superintendent; assisted by teachers possessing similar qualifications, and it was noticed by the committee that those chosen for this difficult task, were all females, whose gentleness and patience commended them to his choice. The condition of most of those received here can hardly be known except to those who have visited the asylum. Commissioners appointed by the Legislature of a neighboring state to visit this institution, said of them: many are pitiable objects, often unable to walk or speak, uttering the peculiar moan of the idiot, frequently malicious, violent, destructive and filthy in their habits; it would seem that they were beyond the reach of human aid—monuments of God's anger—but this is not the view the superintendent and the teachers take of them. Past experience has convinced them, that these beclouded intellects into which the first ray of reason has not yet shone may be enlightened, that these brutal natures may yet offer from humble and loving hearts their petitions for pardon, and their orisons of praise to our Common Father.

The State of New York was the first to erect a State Idiot Asylum, and has now the satisfaction of having successfully demonstrated that those usually called idiots may be so trained and instructed as to render them useful to themselves and fitted at least to learn some of the ordinary trades, or to engage in agriculture, and her citizens as they pass her great western thoroughfares may now point to this elevated building, as evidence of the wisdom of the undertaking, and complet-

ing the circle of our State's charities, now embracing every class whose infirmities call for public aid.<sup>1</sup> . . .

#### VI. HOUSES OF REFUGE

The State of New York claims to have been first in the United States in establishing houses of reformation for juvenile delinquents.

The New York house of refuge is now in the extent of its operations, the greatest reform school in the world. Established in 1824, it has served as a model to the various houses since established elsewhere. In 1848 the State purchased a small farm near Rochester, and erected a house of refuge, and placed it under the care of a board of managers.

These houses of refuge are under similar regulations; the institution in New York receiving both boys and girls from all parts of the State, the one in Rochester receiving boys only, both being schools of reformation—receiving such children only, as are committed by judges or police magistrates, and retaining the control of them until they are of age. Strictly parental in their government, the managers take the place of the parent who has forfeited his natural claim to guardianship, and educate and discipline the child for the period the parent would discharge the same duty; and they receive them in full confidence that though stained with crime, the stains may be washed away, and past deficiencies be remedied by instruction and discipline. Here the State provides a home for the neglected erring child, and in many cases a more comfortable and happy home than they have ever known before; where they are properly provided for—receive instruction in the ordinary branches of a common school education; are trained to habits of industry, and have instilled into their minds those principles of moral and religious truth, which will fit them for a life of virtue, happiness and usefulness. After remaining in the house a sufficient time, which varies in different cases, but averaging perhaps a year and a half, they are indentured to persons of good character, living in the country, away from their former companions and thickly spread snares of the city; and it is found that there is no want of demand for these children as apprentices, which shows that their training makes them valuable as such, and that there is no stigma branded upon their characters—and their conceptions of their own position is transformed into earnest con-

<sup>1</sup> [The committee visited and examined the institutions for the instruction of the deaf and dumb and the asylum for the blind, and the hospitals, dispensaries, and infirmaries of the state, and reported them as under good management, deserving the commendation of the committee and continued encouragement and benefactions.]

fidence and hopeful aspirations. They leave the refuge feeling a sense of independence, that their stains are washed out, that they are restored, and look back in after life to the houses of mercy, invoking blessings on those by whose interposition the headlong current of their early life was stayed, and turned into channels of private worth and social usefulness and respectability.

#### VII. JAILS AND PENITENTIARIES

Nearly all of the jails in the State are insufficient to fulfill the purposes contemplated by law. No adequate provisions are usually made by the counties to enable the jailor, however well disposed, to discharge the duty which is clearly enough imposed on him by the statutes. Witnesses and criminals are often confined in the same apartment, (not unfrequently a *cell*), and females, without discrimination of the various causes for their commitment are compelled to associate together. In one instance, the committee found a lad of eight years confined in a cell with two old offenders, one charged with rape, and the other with burglary. Cases not unlike this are common.

Many of the jails are extremely unhealthy places of confinement. They are insecurely built, damp, and unventilated, and the air which the inmates are compelled to respire continually, is very offensive and productive of disease.

The statutes require that each room or cell in a jail shall be provided with a Bible. This is often disregarded. They also require the classification of prisoners; and to this point the committee were particular in making inquiries. In most cases the answers were to the effect that the jail accommodations were such as to forbid such a classification; and a personal inspection by the committee usually corroborated the truth of the answers. For this grave omission of duty, the county authorities are responsible, rather than the subordinates in immediate charge of the jails; many of whom seem disposed to conform to the law as closely as their limited means will permit; but so little attention has been paid to the just requirements of the law, that there are but fifteen jails in the State in which prisoners can be classified, and only thirty-two in which they are supplied with Bibles.

Grand juries have from time to time visited these county prisons, and presented many of them as nuisances; but the mere presentment of them has no legal effect, and serves merely to call the public attention, in a formal way, to the existence of the evils. If such presentments could be made to assume the legal force of an indictment against the

supervisors, the jailor, or other delinquent whose duty has evidently been grossly neglected, they might have an effect in ameliorating the state of the jails, and producing a conformity to the humane and politic intentions of the law, which are now sadly overlooked or perverted. The committee suggests that an amendment of the statutes might provide that whenever such presentments are made by the grand inquest, it shall be the duty of the court receiving the presentment forthwith to require the district attorney to frame an indictment against the actual or presumed delinquents, and to detain the grand jury until they shall find or ignore it.

The whole number of persons confined in the jails is 678, and intemperance is the cause of the confinement of three-fourths, or 75 per cent. of the whole number. The average cost of their support, so far as it could be ascertained, is about two dollars and twenty-six cents each per week.

Compared with the cost of supporting paupers and orphans, the cost of supporting criminals would seem extravagant. In a punitive respect, it would be more humane and consistent with justice that the case should be reversed.

In the three penitentiaries of this State there are 1,212 inmates, so that the whole number in penitentiaries, jails, houses of refuge and work houses, is 3,863.

The committee cannot close their remarks on the jails of our State, without alluding to one other point in connection with this subject. Observation has led us to the conclusion that one at least of the objects of imprisonment of those guilty of crimes and misdemeanors is lost sight of. The community at large, officers of justice, jailors and keepers of penitentiaries, seem to think that violators of good and wholesome laws, should not only suffer the penalty attached to the violated laws, but the association of wrong doing and criminality with the criminals, leads many to feel that the wrong doer has by his wickedness cast himself beyond the reach of human sympathy. Hence he is too often treated as an outcast, and is not only incarcerated within the walls of a prison, but when there, often treated inhumanely.

The facts stated above show most conclusively that in a very large majority of our jails, prisoners cannot be confined long, without serious injury to their health; cold, damp, many of the cells below the surface of the surrounding grounds; with no means of ventilation, the inmates breathe the same foul atmosphere day after day, and are supplied, too, often, with coarse and insufficient food, straw for a bed, no

employment to help them pass their dreary hours, the old and hardened criminal associated with the juvenile offender instructing him in all the tricks and devices of the most depraved. What wonder is it that he comes out of prison, not only a more hardened villain, but mad with all the world! He may feel he has done wrong in the commission of the crime for which he was imprisoned, but he still feels he is a human being and entitled to human treatment. Instead of receiving this, his bodily sufferings have been such as to make him look upon every man he meets as his enemy, and he goes forth to commit further depredations upon society.

We believe that offenders against our laws, should be subject to the penalty of the violated laws.

Punishment should be sure to follow transgression. The object of confinement should be, not only the punishment of the offender, and the protection of community against further depredations, but should also seek the reformation of the criminal. It should be so conducted, and tempered with mercy that when the offender goes forth after his incarceration, he will be a reformed man, an honest citizen. This can only be done by a change in the construction, and in the government of most of our jails; making them more healthy by constructing them in all cases above the surface of the surrounding grounds; by providing means for free ventilation and cleanliness, better food for the inmates, a proper classification of the prisoners, constant employment; not suffering the old hardened criminal to corrupt the youthful delinquent by the history of his own deeds of villainy, and last, though not least, by affording suitable moral and religious instruction. Thus teaching them that the path of rectitude is the only path to respectability.

The most fertile source of pauperism, lunacy, and crime, as all statistics respecting these evils show, is intemperance. It sends to the lunatic asylums a large proportion of their inmates, to the poor houses 70 per cent., and to the jails 75 per cent. The propensity to it is either inherited or acquired. In one case, it is a disease; in the other it may become so. In either case, it demands peculiar treatment, the result of which, whether for restraint or cure, would usually be favorable to the patient and to the community. The Legislature, satisfied of this, has accordingly passed a law incorporating an institution for the care, reformation, and restoration of inebriates. Should it prove a successful experiment, it would obviate a great difficulty now existing in the way of classifying the inmates of our charitable and reformatory institutions. It would provide a proper retreat for many of them, and thus



open the doors of other institutions for the admission of suitable cases which are now excluded from the asylum they need. The experiment therefore, should receive such encouragement from the State as its importance, in an economical view, seems to require.

There are various associations in the State, and particularly in the cities and larger towns, for charity, reform and education, which not receiving aid from the State, do not fall within the terms of the resolution of the Senate under which the committee have pursued their investigation. Many of them, however, have been visited by the committee for purposes of information and of comparison with other institutions of a kindred character which were the legitimate subjects of visitation. They are generally supported by private endowments and contributions, with occasional aid, perhaps, from the local authorities. Homes for the friendless, and industrial and other schools are of this class; charities devoted to the maintenance or training of vagrant and destitute children, to the care and protection of young females out of employment or in reduced circumstances, as well as of aged or decrepit women. They deserve to be favorably regarded when the Legislature is considering any general and economical plan of charity or reform. Those, more particularly, which have for their object the support and training of destitute children, and their salvation from the evils of vagrancy, idle habits, and vicious examples, are worthy of attention and encouragement. The management of such charitable enterprises happens fortunately to be confided mainly to benevolent women, whose thrift, economy of expenditure, skill in management, and tenderness of feeling, enables them to produce greater results with less means than is the usual fortune of the other sex. The public bounty bestowed on such institutions, under such management, goes farther and is more certain of producing a suitable return, than the usual application of it. It gives the committee great pleasure to commend such charities to approval and support, as no insignificant part of the great scheme of benevolence and reformation which it is the duty of every good government to maintain.

The general result of the examinations made by the committee, is a conviction of the necessity of providing by law:

- 1st. For a more efficient and constant supervision of all the charitable and reformatory institutions which participate in the public bounty, or are supported by taxation; and a commission of well qualified persons, to be appointed by the Governor and Senate, with such ar-

range of the terms of service as will constantly secure experience, appears to be the best mode of effecting the purpose.<sup>1</sup>

2d. For the better regulation of poor houses, so as to make fit asylums for the worthy indigent; for which purpose better structures than now commonly exist, should be legally required, with such arrangements for warmth, ventilation, bathing, classification of the inmates, separation of the sexes, labor, medical attendance, instruction, and religious exercises, as decency, health, and sound morals demand.

3d. For the better maintenance, and education of pauper children, either in the orphan asylums, or in such local institutions as may be established in the several judicial districts by special provisions of law.

4th. For the establishment of two or more asylums for the insane, in addition to the existing asylums, and to be under similar control and management with the State asylum.

5th. For the establishment of an asylum for *insane* convicts in the prison grounds at Auburn.

6th. For the more efficient regulation of county jails in regard to their structure, and most of the particulars requisite for the better regulation of poor houses as above specified.

7th. For a revision of the poor laws.

<sup>1</sup> [See below, Part II, Sec. I, Document 6, for act creating such an authority. Attention may also be called to the *Reports, Majority and Minority*, submitted by the Committee on Charities and Charitable Institutions, to the Constitutional Convention of the State of New York, 1867-68. See also Art. 8, Sec. II, of the Constitution of 1894.]

## SECTION III

### INTRODUCTORY NOTE

The question may be raised as to the further step in centralization and the possibility of an appeal to the federal government and of the establishment of federal agencies in the field of public welfare; but up to the present time the federal government has restricted its activities in this field except in the areas for which it is the responsible government to giving information<sup>1</sup> and conducting and stimulating conferences as the basis for wider agreement on important questions of method.<sup>2</sup>

From the documents in the preceding sections, it appears that in a number of instances interstate relations were developed and interstate services were rendered. Especially in the case of the institutions for the deaf, there developed something in the nature of a regional consciousness and a sense of a reciprocal or interstate service. The use by distant states of the Connecticut and Kentucky institutions for the deaf and dumb was the occasion for federal grants of land.<sup>3</sup> This interstate character of the service was distinctly urged as the basis for a claim to federal aid, and that together with the fact that they were educational in purpose may distinguish them from other welfare institutions and agencies. In any case, in her magnificent appeal in which was recorded the extraordinary devotion and comprehensive knowledge of Miss Dix<sup>4</sup> concerning the wretchedness and misery characteristic of the lot of the insane in all sections of the United States, no interstate element was suggested, and only the national feature of universality was urged. Whether, if an argument based on the interstate factors that would inevitably be present when migration is freely

<sup>1</sup> Note such publications of the U.S. Bureau of the Census as the bulletins on *Alms-houses*, the "Thirteenth Census Bulletin" on *Benevolent Institutions*, the *Statistical Directory of State Institutions for the Defective, Dependent, and Delinquent Classes*, the *Summary of State Laws Relating to the Dependent Classes, 1913*, the U.S. Children's Bureau series on "Infant and Maternal Mortality."

<sup>2</sup> Note the U.S. Children's Bureau publications, No. 60, *Standards of Child Welfare*; No. 121, *Juvenile Court Standards*; No. 133, *Employment Certificate Standards*.

<sup>3</sup> See Documents 1, 2, and 3.

<sup>4</sup> See Document 4.

allowed or on the specialization of treatment that might be developed would have met with a different response, no one can say. That the need was universal and that state resources were proving inadequate, were points established by the record of her observations in all parts of the country.

Her plan as set out in the memorial given here contemplated the division among the states of five million acres of the public land. In a second memorial she asked for ten million for the insane and two and a half million for the deaf.<sup>1</sup>

It is a measure finally enacted April 22, 1854, which President Pierce vetoed.<sup>2</sup> In his veto, he dwelt rather on the question of power than on that of policy. The importance of his emphasis on the question of power lies in the fact that the difficulty of securing action overriding a veto based simply on considerations of policy would probably be much less than that of securing a reversal when the question of power has been raised. The debate in the Senate following the veto indicates the hopelessness of rebuttal on that point.<sup>3</sup>

It has been pointed out, that neither in the land-grant bill of Dorothea Dix nor in the early acts providing for the establishment of institutions of learning in agriculture and the mechanic arts in the states was provision made for the setting up of national standards or for continuous supervision. Only with the later acts providing for research in the field of agricultural education and in those providing for the sharing of costs between the federal and the state (and possibly the locality as well) are methods of control elaborated.<sup>4</sup>

<sup>1</sup> See *Congressional Globe* (Thirty-first Congress, 1st sess., Sept. 17, 1850), p. 1839; (Sept. 24, 1850), p. 1957; (Sept. 26, 1850), p. 2005; (Thirty-second Congress, 1st sess., Feb. 5, 1852), p. 460; (May 24, 1852), p. 1455; (June 7, 1852), p. 1520; (July 21, 1852), p. 1850; (Thirty-third Congress, 1st sess., Feb. 9, 1854), p. 389; (April 25, 1854), p. 985.

<sup>2</sup> See Document 5; see also Tiffany, *Life of Dorothea Lynde Dix*, chaps. xv, xvi, xvii.

<sup>3</sup> See Documents 5 and 6.

<sup>4</sup> See below, Part III, Sec. V, Document 3, *Massachusetts v. Mellon*, 262 U.S. 408; also Document 6B, "The Maternity and Infancy Act and Its Administration."

## EARLY FEDERAL AID AND DOROTHEA DIX'S EFFORT

### 1. Federal Aid for the Connecticut Asylum for the Deaf and Dumb

A. FEBRUARY 22, 1819<sup>1</sup>

Mr. Terry, from the committee to which was referred the petition of the Connecticut Asylum for the education and instruction of deaf and dumb persons, made a report, which was read. Then Mr. Terry reported a bill in behalf of the Connecticut Asylum for teaching the deaf and dumb; which was twice read, and ordered to lie on the table. The report is as follows:

"That an association of a number of citizens of the State of Connecticut was formed in the year 1815, for the purpose of establishing a school for the instruction of the deaf and dumb. Finding great numbers of this unfortunate description of persons in our country without education, and without any attempts being made to give them the education which they are capable of receiving, and actuated by a benevolent desire to rescue them, as far as practicable, from their state of ignorance and degradation, and to fit them for social intercourse and happiness, the associates, by voluntary contribution, raised a sum of money sufficient to defray the expense of sending the Reverend Thomas H. Gallaudet to Europe, for the purpose of learning the modes of instruction practised there. Mr. Gallaudet went to England, to Scotland, and to France. In London, he did not find a disposition in the teachers to communicate instruction so readily as the benevolence of his mission seemed to entitle him to expect; but he had the good fortune to meet there the Abbé Sicard, the principal of the institution for the instruction of the deaf and dumb at Paris, a gentleman distinguished for talents, benevolence, and devotion to the interests of these unfortunate persons. The Abbé assured him that, if he would go to Paris, every facility should be afforded him of acquiring a knowledge of their modes of instruction; which assurances he found fully realized upon going there. The Abbé kindly took him into the school, and explained to him everything relating to their modes of instruction and

<sup>1</sup> Extract from *Annals of Congress* (Fifteenth Congress, 2d sess., 1818-19), II, 1329-30. See also Harry Best, *The Deaf*, and *Proceedings of the Association of Teachers of the Deaf*.

management; but Mr. Gallaudet found that the time which his arrangements would permit him to spend in Paris would be much too short to enable him to acquire the knowledge necessary for an accomplished instructor; and having become acquainted with Laurent Clerc, a pupil of the Abbé, and for eight years an assistant instructor, he engaged him to come to this country as an instructor in the school about to be established in Connecticut. They arrived here in August, 1816, and Mr. Clerc is still an assistant to Mr. Gallaudet in the Connecticut Asylum. The Legislature of Connecticut, in May, 1816, incorporated the said associates by their aforesaid name. There are at present in the school more than fifty pupils, from the States of New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, and Kentucky, who are taught by five instructors, and who pay \$200 per annum, each, for tuition, board, washing, and lodging. The institution is open for the reception of pupils from every part of the Union; but its funds (which have arisen almost entirely from voluntary contribution) are too small to admit of its becoming extensively useful; they are not sufficient even to erect the buildings necessary for the accommodation of the present number of pupils.

“Considering that this institution is calculated not only to afford instruction to the deaf and dumb who are to be found in all parts of our country but also to qualify teachers for other schools which may be established in other parts of the Union, and considering that it is the first attempt of the kind in the United States, and that it has been raised to its present condition by the care and at the expense of charitable individuals, most of whom had no particular interest in its success, the committee are of opinion that it is worthy of the patronage of Congress, and that the prayer of the petition ought to be granted; and for that purpose they report a bill.”

B. MARCH 1, 1819<sup>1</sup>

The House next agreed, on motion of Mr. Terry, by the casting vote of the Speaker, to take up the bill for the benefit of the Connecticut asylum for the deaf and dumb, (granting to it a donation of six sections of the public lands).

Mr. Terry briefly adverted to the humane object of this institution, its general and extensive utility, the number of unhappy objects who

<sup>1</sup> Extract from *Annals of Congress* (Fifteenth Congress, 2d sess., 1818-19), II, 1427-28.

were already receiving the benefits of the asylum, etc. The bill was also supported by Mr. Harrison, who agreed in opinion as to its general utility—there being numbers of the unfortunate beings for whose benefit it was intended, scattered through many of the States, if not all, etc.

The bill was opposed by Mr. Bassett, who deemed the institution entirely a local one, not deserving, more than any other local object, the expenditure of national funds on it. He sympathized with the subjects in the institution, but it was not a charitable one, as the rich alone, he understood, received the benefits of the asylum; and he was unwilling to tax the poor for their support; and it was furthermore a precedent which might hereafter be regretted when too late. He moved the commitment of the bill.

Mr. Terry replied that the institution was strictly charitable, as it was almost exclusively used for the benefit of the indigent.

Mr. Poindexter was unwilling to vote a donation of the public lands for this object; a similar donation had been refused to the individual States for the benefit of a university, etc.

Mr. Pitkin replied to the opponents of the bill at some length, and supported the humanity and extensive usefulness and benign effects of the institution.

The motion to commit the bill was lost; and the question being on a third reading, the debate became more extensive—it being supported by Messrs. Orr, Terry, Colston, and Mercer; and opposed by Messrs. Bassett and Barbour; the last named gentleman moving the indefinite postponement of the bill, which was negatived—ayes 43, noes 60, and the bill was then ordered to be engrossed for a third reading to-day.<sup>1</sup>

## 2. The New York Deaf and Dumb Asylum<sup>2</sup>

The House then resolved itself into a Committee of the Whole, (Mr. Taylor in the chair), on the bill granting a township of public land to the Deaf and Dumb Asylum in the city of New York.

Mr. Meigs, of New York, said, it was doubtless proper that he, as the chairman of the committee who reported this bill, should give some account of the reasons for that report. The State of New York, in the year 1818, incorporated the institution, at the request of several benevolent gentlemen, and among them the learned and amiable Dr. Mit-

<sup>1</sup> ["The bill entitled 'An act in behalf of the Connecticut Asylum for teaching the deaf and dumb,' was read a third time and passed, March 3, 1819" (*ibid.*, I, 282).]

<sup>2</sup> Extract from *Annals of Congress* (Sixteenth Congress, 1st sess., 1819-20, January 7, 1820), I, 882-91.

chill. The institution immediately commenced its labors, and had continued to exert itself, with slender means, in the very interesting cause of the deaf and dumb. It now had under its protection more than fifty children, the greater part of whom had made surprising progress in the acquisition of information. But what is still more remarkable, by the happy exertion of benevolent skill, many of these unfortunates have been taught to speak, and, very latterly, as I am informed by Dr. Mitchell, they have been made to hear. So great has been the success of the kind and intelligent directors of the deaf and dumb, that I am perhaps justified in saying that it promises to become an institution for curing the deaf and dumb. The present application to the Government would not be made on the plea of charity. It is, perhaps, not a province of this Government to give alms. But it is made on the ground that this nation regards knowledge as the basis of its strength. I will call the attention of the Committee to the case of the Asylum at Hartford, which received last year from the national munificence a grant precisely similar to the one contained in the present bill. I feel satisfied that nothing is required more from me than this brief statement which I have made, to induce the Committee to make this appropriation of a small portion of our immense landed estate for so good and humane purposes.

Mr. Clay (Speaker) said he regretted, exceedingly, that he felt himself obliged to object to a bill which was recommended to the consideration of the House by the worthy gentleman from New York, (Mr. Meigs), and especially as it was a bill with such a benevolent object. Waiving the question, whether, after the liberal endowment by Congress of the Connecticut Asylum, the wants of society required (which he doubted) another institution for the deaf and dumb; he must think that, if we made any grant, it would be better to make it directly in money rather than land. It was desirable that Congress should retain the monopoly of the sale of the public lands, because they could better regulate the manner in which they should be brought into the market, and could count with more certainty upon the produce of the revenue from that source. It was particularly desirable to avoid the competition of large landholders, whether corporations or individuals. This bill proposes a grant of a township, with certain privileges of selection and location. It might be fairly estimated, considering those privileges, as worth about one hundred thousand dollars. The object, no doubt, of the New York institution, was, to bring it into market; and it would consequently tend to supply the demand for public land



to the amount of the grant. It would abstract so much from the public revenue; and ought therefore to be considered, as in effect it was, a grant of so much money. And he hoped, if the honorable gentleman pressed the passage of the bill, that he would move an amendment, to substitute money for land. Mr. Clay really thought that it was high time that we should begin to husband the public resources. With an empty exchequer, we ought to review the causes which have led to it, and examine if there had been no extravagant profusion on the part of Government. He thought the House was imperiously called upon to pause. He repeated the expression of sincere regret which he felt in interposing any objection to the bill; but he must move to strike out the first section of it.

Mr. Randolph observed that he was opposed to this bill for another reason, which had great weight on his mind, and ought to have on that of every member from Virginia and Kentucky—it was, that the provisions of the bill were opposed to the letter and spirit of that contract to which the States of Virginia and Kentucky were parties, inasmuch as it permitted this location to be made on any of the public lands of the United States. The State of Virginia, Mr. Randolph feared, stood on this floor, as elsewhere, not in the most enviable light; she was often held up—it was a proud and enviable distinction—as a target for the shafts of political calumny. It was for others to enjoy the bounty of this House; it was for her to receive law, sheer law, when she could make out a color of title. For one, Mr. Randolph said, he most earnestly hoped she would never appear at this bar, or on this floor, in the attitude of supplication; though it would require the art of a political professor in classification and nomenclature, to adduce any reproach instituted against her; and, notwithstanding the manifest violations of the contract by which she ceded the territory out of which three of the largest States of the Confederacy have been formed, she has still been most loyal. She had never done even what she might have done; she had never issued warrants or furnished squatters or settlers for this territory. She gave it for the general purposes of the Confederacy—not to be cut up into seigniories held in mortmain, but for the public benefit of the Union. This bill, Mr. Randolph continued, was at direct variance with the contract of cession of the territory which comprises the States of Indiana, and Illinois, and the territory northwest of them. With regard to the grant to the school at Hartford, the usefulness of it could not enter into the view which he had taken of this subject, nor justify the present donation. If we go on by precedents, we shall lose

sight of the Constitution, instead of looking to it—looking to it as a constitution of delegated powers—a jealous, guarded delegation of authority. . . .

Mr. Foot, of Connecticut, knew of no power but delegated power, and would not participate in the exercise of any other. He also entered his protest against legislating by precedents; whenever we shall be governed by them, he said, we shall be in the fair road to despotism. But, even on the principle of precedent, the present bill could not be decided by the example of the donation to the Hartford Asylum. That was the first institution of the kind established in the country; they had sent to Europe for professors to introduce the system of teaching the deaf and dumb, and to instruct others, who might carry the benefits of the art into other parts of the Union; it was on this account that the grant was made. In the Hartford Asylum, too, not a third part of the pupils belonged to the State of Connecticut; its benefits embraced the afflicted of many other States; and it had peculiar claims to the aid of the Government.

Mr. Livermore, of New Hampshire, made a few remarks against the bill. He expressed great respect for the object of the bill, but he did not feel himself at liberty to bestow on it the property of the nation.

Mr. Warfield, of Maryland, was also opposed to the bill, not being willing to appropriate the public land to such objects. If it was proper to divert the public funds to such a purpose, let it be done by a vote of money out of the Treasury, and not in this way. He respected the institution for which this donation was asked; he rejoiced that the asylum of Connecticut had succeeded even beyond the expectations of its friends; but it was no reason for going on and bestowing the property of the nation on all who asked it.

Mr. Holmes, of Massachusetts, said that, when humanity called, it was a credit to the House to listen; but his object now was to inquire what was his duty. At the last Congress, either from gratitude for being sent here, and from joy at having got well out of a war, or from some other impulse, we made a grant to the surviving soldiers of the Revolution; like sailors from a long voyage, just paid off, who give money to every one they meet, with this difference—they give their own money, we the money of the people. He, like others, had been led away, and gave his vote to the relief of the Revolutionary soldiers. He had, however, voted against the grant to the Hartford Asylum, because he saw it would lead to other applications for similar grants. This was one of them. It would be better, he thought, to attend to re-

plenishing the Treasury than to vote away the public funds on every object that asks them. If we go on in this way, said Mr. Holmes, if we are not deaf to calls like this, our constituents will be struck dumb at such conduct.

And deaf, I hope, to all our apologies for it, said Mr. Randolph, who rose for the purpose of extending a remark of Mr. Holmes; and would take the liberty to insinuate to Mr. Meigs, that it was very easy to be wise and generous at other people's expense. In reference to the afflicted beings for whose benefit this bill was urged, Mr. Randolph said he should be sorry if any gentleman had the misfortune to possess the same experience as himself. If there was anything which he understood, it was this. But he asked if this case came within the Constitution. The Committee had been told of armies, and the expense lavished on the pomp and circumstance of war. On looking at the Constitution, he found power given to raise and support armies, but discovered nothing about supporting the deaf and dumb. Mr. Randolph asked the friends of this bill to show him the authority for it from the States—point it out in the deed of gift from the people. Was it necessary—not according to the old-fashioned meaning of that word, but according to the modern acceptance—was it necessary to carry into effect any other power? They had just as much right to make the office of President hereditary; to pass a septennial act for the meeting of Congress; or do any other unauthorized act, as to make this grant, if not found in the Constitution. As to being ashamed to refuse this grant, after passing others which Mr. Meigs had referred to, let the galled jade wince. Mr. Randolph said his withers were unwrung; he had nothing to do with it. But, because the House had been betrayed into one act which the Constitution did not justify, were they, for that cause, to go on in the same course? Was it any reason why they should not attempt reform, or look at the Constitution for authority on any other occasion? Mr. Randolph repeated that this was a Government of delegated powers and of limited authority; and it was the bounden duty of every member to inquire if there was any authority for this grant, either expressly or as necessary to carry other powers into execution, etc. If there was not, it would be just as proper for a jury to give a verdict contrary to the evidence, as to vote for this bill without authority from the Constitution.

Mr. Barbour, of Virginia, expressed his satisfaction that the motion had been made by the Speaker. He felt certainly no hostility towards an institution which must, in its nature, excite the sensibility of every

man. But was that to induce the House to vote this grant? The public domain, Mr. Barbour argued, was a public fund, intended to relieve the burden of taxation on the people. He adverted to the probability that the Government would have to borrow money this year; pass this bill, and it would present the spectacle of a Government borrowing with one hand and giving away with the other. By granting the public lands to the institutions of one State, Mr. Barbour maintained that it operated an injustice on the other States, inasmuch as it diminished their proportions in the public lands, which belonged equally to all. It was time to make a pause, a solemn pause, in voting away these gratuities. He referred to the immense expenditure which had become necessary by yielding to feeling, and passing the act for the relief of the Revolutionary soldiers; that act was the offspring of feeling, and it had involved the nation in an expense of three millions of dollars a year—a sum more than half the interest of the whole national debt for one year. That act, however, heavily as it pressed on the Treasury, was the more justifiable on account of the important services and the sufferings of the objects of it. Should the present grant be made to the New York asylum, it must be given to charitable institutions in other States. If all the States received equally, it would diminish the proportion of all alike in the public lands, and it would be no peculiar benefit to either; the House must therefore act unequally or act uselessly. Mr. Barbour said feeling and sympathy were bad guides in public conduct; when anything was asked in the name of justice, there are rules by which to decide correctly and uniformly; but, when they legislated on the score of charity, they would act according to impulse; one Congress would be guided by feeling, and another perhaps by precedent, etc. This was a dangerous mode of proceeding. But this grant was advocated in the name of knowledge, which is the basis of liberty. If for the promotion of knowledge, Mr. Barbour said, why did New York apply to this House; why not rely on her own resources? Virginia, with less resources than New York, had established a system of public education, for which she might with as much propriety, ask of this House a similar donation of public land. Mr. Barbour said he felt, as a man, for the unhappy class of beings who were the objects of the bill; he would drop tears for their affliction, but he could not give his support to this bill; it would be inconsistent with his ideas of public duty; he could not give to one what he could not to all; it would not be right to do so.

Mr. Meigs again rose. He had flattered himself, he said, it would

be utterly unnecessary for him to trouble the Committee again upon this occasion. But, when he found that this bill had had the misfortune to call forth the hostility of such able and eloquent gentlemen as the Speaker of this House and the gentlemen from Virginia, it became his duty, feeble as he was, to speak for those whose mouths God had shut. Would to Heaven, said he, that this necessity did not exist! Would to Heaven, that each of the silent innocents whose cause I am thus called on to advocate was able to speak in the fine and commanding tones of the honorable Speaker. Sir, I have no intention to appeal to the humanity of this Committee; I mean to move them, if I can, by far different considerations. Knowledge is power; and I call upon this Government to afford, for purposes of instruction in all that constitutes knowledge to a most interesting portion of the community, some small pitance of those vast resources which heretofore have been consecrated, if I may so express myself, to the naval, military, and domestic expense; to the destroying arts of war, and the maintenance of civil splendor. And I now hope that the Speaker, whose talents have done his country much service in one war, in its conduct, and still more eminently in the happy peace, in concluding which he had the far greater glory to be instrumental; and that the honorable gentleman from Virginia, (Mr. Barbour), who, with the Speaker, may have recorded a hundred votes for warlike purposes, will now, for once at least, record their votes for an appropriation in aid of the propagation of knowledge. He said that, when he cast his eyes upon the architectural splendor by which he was surrounded; when he saw that even a thing to hold candles had cost this nation treasure enough to give, perhaps, one whole year's tuition to the unfortunate persons who were the objects of this bill; when he remarked the beautiful but expensive marble figure of History just erected in this Hall, he could not refrain from hoping that she would not, among her first acts, have to record that this nation rejected the silent prayer of the deaf and dumb for a few acres of our boundless territories to enable them to know, while she votes the lavishment of millions for devastating war and domestic pomp. Let it be now determined, said he, that it is the opinion of this honorable body that knowledge is power, and that for such an end as its universal diffusion there is no expense which could be deemed profusion. I wish, with profound sincerity, that instead of one or two statesmen, eloquent and able, like the Speaker and the honorable gentleman from Virginia, (Mr. Randolph), there were one hundred thousand; and, instead of a handful of philosophers, holding all science within a small and mysterious bound, a hundred thousand of these, too, in our free land.

Mr. Meigs said he had declared that he would not make any appeal to the humane feelings of the Committee; but he had a right to say that, although France had reaped many a triumph by battle upon the land, and England many upon the sea, yet it might be possible their benevolent institutions would outlast, in the memory and affections of mankind, every military or naval glory which they had gained; for who was ignorant of, who was there that did not admire the mild benevolence of the Paris institution for the teaching and protecting the deaf and dumb? Society everywhere adopted them as its children; they were everywhere pitied, and ought, if they did not, to find every power their friend and guardian. Sir, if I wished to make an attempt upon the feelings of this House, instead of lifting my voice, I would bring here in front of the Speaker's seat the sixty children, and I should be then sure that, without voices, their intelligent features, their sparkling eyes, and their amiable demeanor, would command, irresistibly, the hardest heart in this House to lean to their cause. The honorable member from Virginia, (Mr. Randolph), has discovered that, in truth, we have no power, under the Constitution of these United States, to make a grant for the purposes contained in this bill. I regret that, under that clause of the Constitution upon which he has just commented: "that Congress shall have power to make all laws necessary for the purpose of carrying into execution," etc., we really have no authority to establish and maintain systems of instruction. I have seen that the learned Judges of the Supreme Court of this land have maintained the Constitutional existence of a bank; and that Hortensius, by most able and conclusive reasoning, although in a different line of direction, has arrived at the same happy conclusion; and I must express my regret and astonishment together, that this famous clause of the Constitution has the magical strength to bear so vast a bank, and is yet too feeble to raise a common school.

I have wished that it might be considered necessary and proper to spread instruction, and diffuse far and wide knowledge, without which our Constitution itself, and still less our statutes, could not long be maintained. I feel, said Mr. Meigs, that, under the powerful opposition of such gentlemen as the Speaker of this House, whose talents alone are sufficient, if exerted, to destroy mightier matters than this poor little bill; of the gentleman from Virginia, (Mr. Randolph), whose genius and experience are always ready to be poured out by his eloquence; and of the other gentleman from Virginia, (Mr. Barbour), whose abilities also are competent to greater things—this bill will fail of its passage. If this must be its fate, I at least shall have the satisfaction to

record my vote, among the first which I give in this House, for a grant of a few acres of our immense public estate for the noble purpose of instruction. And I shall at least not be alarmed at the idea of exhausting our resources upon the deaf and dumb; for, thank God, the number is small, perhaps not exceeding one thousand in the whole United States. I was pleased to hear the gentleman from Virginia last up, (Mr. Barbour), declare the wise munificence of his native State in endowments for literary purposes; for he has enabled me to enjoy the proud satisfaction of stating to this committee the fact, that the State of New York has likewise been nobly munificent to learning; that she has appropriated to that end more than two millions of dollars; that eleven hundred thousand dollars of this sum constitute the fund for the support of common schools; and that, last year, more than two hundred thousand children received the benefit of this admirable fund. Glorious rivalry, said Mr. Meigs, in which even these who are last and least must rejoice in the success of the other members of the Confederacy.

Mr. Clay rose again to remark, that the whole of the deaf and dumb in the United States, at least all those incompetent to support themselves at an asylum by their own estates, might be educated at the Connecticut asylum, now in successful operation. He therefore did not think an additional asylum for the deaf and dumb necessary; but even supposing that another institution were necessary for the American community, was it proper that it should be fixed at New York, which was not more than one hundred miles from the asylum at Hartford; and least of all would it be proper to locate it in a place so expensive as New York? If another institution was to be encouraged, let it go, Mr. Clay said, into the interior, among a class to which the gentleman from Pennsylvania, (Mr. Forrest, a member of the Society of Friends), belongs, whose frugal, regular, and industrious habits, and simplicity of character, suited them to the management of such things; but not, he repeated, establish it in a large city remarkable for its expensive and luxurious habits, etc. These reasons, Mr. Clay thought, might fairly be adduced in addition to the others which had been justly urged against the bill; and he must still hope, notwithstanding the eloquent manner in which the bill had been supported by the gentleman from New York, (Mr. Meigs), that his own motion would prevail, and the first section be stricken out.

Mr. Gross, of New York, said he clearly perceived that the Committee was prepared to reject the bill; but he could not resist the inclination which he felt to make some remarks on the extraordinary ob-

jections which gentlemen had raised against its passage. The bill, he said, had called forth not only the wit, but also the acrimony of gentlemen, to a degree quite unexpected, and in his opinion altogether unjustified by any circumstances which had attended its progress. Gentlemen might with some show of propriety call the prayer of the petitioners selfish, but he could not perceive in what point of view it appeared ridiculous. They asked a portion of the public lands for the purpose of aiding them in the education of the deaf and dumb. Was this a proper subject of merriment? The honorable gentleman from Connecticut, (Mr. Foot), thought we had no Constitutional right to be generous. This, Mr. Gross said, might be true or false, without throwing much light on the subject before the Committee. The only important inquiry is, has Congress the power to dispose of the public lands? The gentleman saw no evil in the donation to Connecticut; but he seemed to apprehend the destruction of our liberties by the proposed grant. Wherein, Mr. Gross asked, consists the wonderful difference between the two cases in point of principle or result? Why, sir, in the Connecticut asylum were to be found some pupils from without the State. But, unfortunately for the honorable gentleman, the difference was only imaginary, and did not exist in point of fact.

The honorable Speaker, said Mr. Gross, thinks that the city of New York is an expensive place, and consequently not well calculated for the education of persons of any description. He paints the splendor of the drawing-rooms of the merchants of that great city with the hand of a master and with the accuracy of one well acquainted with his subject. But, sir, said Mr. Gross, although extravagance is visible among the rich and gay, economy may also be found among its inhabitants. We are not to inquire into the customs of the fashionables, but into the prices of rents and provisions, in order to decide on the propriety of the location. For the cheapness and variety to be found in its markets, New York has no rival. It is also said that it is partiality to grant lands to one State and not to another. For my part, said Mr. Gross, I am willing that a similar grant should be made, for a similar purpose, to every State in the Union. He doubted, he said, whether we could apply public lands to a better purpose, and he believed he was not alone in so thinking.

The honorable gentleman from Massachusetts, (Mr. Holmes), Mr. Gross said, could not restrain his propensity to be witty on this occasion. He had fancied the people of the United States struck dumb at the enormity of the unheard of provisions of this bill. It would be



well for the honorable gentleman, said Mr. Gross, if his constituents were both deaf and dumb; for, if they spake at all, they must exclaim against the parsimony of their Representative.

On the whole, Mr. Gross said, he considered the object of the proposed donation as one worthy the patronage of the United States; that the cheapness of provisions in the city of New York, and the facility of intercourse which it enjoyed with all parts of the Union, rendered it the most eligible of any place for an institution of the kind, and that, by the grant of the land proposed, it would experience much benefit, without affecting, in the least, the Treasury of the United States. For these reasons he would vote for the bill and against the amendment.

Mr. Rhea also offered some remarks, not heard, in opposition to the bill.

The Committee of the Whole agreed to strike out the first section; which decision the House affirmed by a large majority, and of course the bill was rejected.

### 3. The Kentucky Deaf and Dumb Asylum

A. MAY 4, 1824<sup>1</sup>

Mr. Moore, of Kentucky, from the committee appointed on the memorial of the Trustees of the institution for the instruction of the deaf and dumb in the State of Kentucky, made a report on the said memorial, accompanied by a bill for the benefit of the said institution; which was read twice, and committed to a Committee of the Whole. The report is as follows:

“Your committee entered upon the investigation of the subject referred to them, deeply impressed with the conviction that the great object of human legislation is to promote the happiness, as well as the security of the species. Its legitimate sphere extends beyond the erection of fortresses, the creation of military and naval armaments, fiscal arrangements, the punishment of public crime, and the reward of public virtue; and it is, when it interposes its benignant power in behalf of those domestic institutions, which are formed to alleviate the ills which originate in the infirmity of our nature, that its advantages are most generally felt and acknowledged by the mass of society. In the infancy of nations, indeed, institutions of this character are so limited in number and extent, as to claim but little attention, because the necessity

<sup>1</sup> Extract from *Annals of Congress* (Eighteenth Congress, 1st sess., 1823-24), II, 2542-44.

of them is less obvious and imperative. But, as wealth, refinement, and population increase, bringing in their train a melancholy series of casualties and anomalies, the necessity of some provision for human infirmity becomes more apparent, and charity finds a rapidly expanding area, in which she may exercise her godlike propensities. For evidence of this truth, we may appeal to the universal history of civilized nations, as well as to the annals of those States of our Commonwealth, which have made the most rapid progress in population. If institutions, precisely similar to that to which the attention of your committee has been called, are less numerous, and of more recent origin, than other receptacles of human misfortune, these circumstances may be attributed, partly, to the relative paucity of cases, partly to an amiable weakness, which has prevented parents from banishing their children, thus affected, from the cheering comforts and endearments of home and kindred, and partly to the incredulity which has so long prevailed on the subject of any effectual alleviation which the skill of man could devise and apply. The influence of these causes has, however, been, for some time, diminishing. The fame of the philanthropic Abbé de L'Epée, has reached the utmost limits of the civilized world, and humanity triumphs in the conviction that, even in cases which come so entirely home to the 'bosoms and business' of mankind, the imperfections of our nature may be, in some degree, at least, corrected by the skill and perseverance of science and of art. Entertaining these general views, your committee admit neither difficulty nor hesitation, in applying them to the case which has been referred to their consideration.

"The Kentucky institution for the tuition of the deaf and dumb, appears to your committee to have strong claims on the protecting benevolence of Congress. It is the only institution of the kind existing in all that vast and fertile range of country which lies west of the Alleghany chain of mountains. Institutions of this description, can never, for reasons which we deem sufficiently obvious, become so general, even in the diminished ratio of the number of persons for whose benefit they are founded, as those which have for their object the instruction of the more favored, and, happily, far more numerous portion of our species. Your committee, therefore, believe, that the National Legislature would pursue a wise policy in adopting as its own, and cherishing by its protecting care, a few establishments of this kind, already in successful operation. Applications have already been made for the admission of pupils, from many of the circumjacent States; nor have such applications been made in vain. Kentucky, forgetting her inability, in

the zeal and fervor of her philanthropy, has placed the unfortunate sons of her sister States upon an equal footing with her own. The aid solicited by the petitioners is a boon asked, not for a single member of the Confederacy, but for a whole section of country rapidly increasing in population and resources, and justly entitled to the attention of Congress. The deaf and dumb asylum was incorporated and endowed by the Legislature of Kentucky, in 1822, and went into operation in the Spring of the following year. At the late session of that body, a most respectable committee, composed of two members of the Senate, and four of the House of Representatives, was appointed to visit and examine the institution. In their report they say that they 'remained in Danville, and visited the asylum on two successive days, and were greatly gratified in witnessing the progress made by the pupils, whose facility and correctness in comprehending the signs made by the teacher, and in expressing their ideas, exceeded any thing that could have been anticipated by the most sanguine friends of the institution. All those who had been instructed for four months in the asylum, wrote good hands, spelled correctly, etc.' And the committee, after noticing, in the highest terms of approbation, the administration of the institution, concluded by recommending it 'to the continued and extended patronage of the Legislature.' The number of pupils, at that time, was fourteen; five more were expected in a few days, and it was anticipated that, in the course of the present year, the whole would amount to forty. The trustees have ascertained that more than one hundred and thirty persons in Kentucky needed the benefits which that institution alone could confer, and of these more than one-third could receive them only from public munificence. It is believed that the number of cases in the adjacent States will bear a like proportion to their population. Under these circumstances the following resolution passed both Houses of the Kentucky Legislature: '*Resolved*, That a respectful memorial from the Legislature be transmitted to the Congress of the United States, on behalf of the Kentucky Institution for the tuition of the deaf and dumb; soliciting their attention to the petition of the trustees of said institution for the aid of the National Legislature.' From some cause, unknown to us, the memorial thus ordered, was never presented by the committee appointed to prepare it. Your committee find that the principle and policy of extending relief to institutions of this character, have been recognised by the Congress of the United States, in a grant made to the Connecticut asylum, and in that case they discover a strong precedent to justify the passage of a bill for

the benefit of the Kentucky asylum. They, therefore, beg leave to report a bill.

B. MARCH 10, 1826<sup>1</sup>

Mr. T. P. Moore, of Kentucky, moved to postpone all the orders of the day before the bill "for the benefit of the Asylum for teaching the Deaf and Dumb of Kentucky," and the bill was taken up, in Committee of the Whole:

The bill having been read, Mr. Moore, addressed the committee as follows:

MR. CHAIRMAN: In recommending to the committee the bill for the benefit of the Asylum for teaching the deaf and dumb in Kentucky—in urging a measure which will effectually extend the patronage of the Nation to that benevolent institution—I am sensible that I present a subject not calculated to kindle the zeal of politicians, nor in any manner to rouse those stormy feelings which serve to augment the force of declamation, and to deepen and prolong the course of debate.

It is not a proposition to erect a fortification, or to construct a canal: to lavish millions in removing mountains from the land, or up-rearing towers in the sea; to push discoveries through the ices of the poles, or form alliances on the verge of the equator. No, Mr. Chairman; the cup that I present to the lips of the committee contains a draught of pure benevolence; no poisonous drug lurks at its bottom; no dangerous spirit sparkles on its top. It is innocent and salubrious, and wherever there is a taste for justice and humanity, it must be palatable.

It is now an axiom amongst all reflecting men, that the diffusion of knowledge is the surest support, as well as the highest duty, of good government; and it is a maxim, I believe, among American Statesmen, that, as our Government is thoroughly popular and representative, the universal education of its citizens is essential to its perfection and stability. The justice of this position cannot be disputed, nor can its application to the interest of that afflicted portion of the community in whose behalf I appeal be denied. They have a claim of right upon their fellow citizens to be elevated to the rank of intellectual beings; to find their proper place upon the scale of society; to enter into the world of thoughts and reflection; to have their capacities invigorated; their passions impelled; to be enabled to sympathize with their fellow creatures; to love their country; to adore their God; and to share in all the

<sup>1</sup> Extract from *Congressional Debates* (Nineteenth Congress, 1st sess., 1825-26), cols. 1600-1604.

varieties of suffering and beatitude of which human destiny is composed. It would be neither equitable, nor politic I apprehend, to confine the blessings of education to youths of the highest promise. The sum of knowledge, like the great lamp of Heaven, while it shines on the mountains, must pour its beams into the lowest valleys. The whole surface of national intellect is to be visited by light; and if the reflection of man is to imitate the wisdom of his Creator, the gloom of humility and misfortune should not be permitted to obstruct the penetration of its genial influences. These general remarks, I indulge the hope, will dispose the committee to consider that the public patronage, and private beneficence, of Kentucky, which have been so long, and so liberally exerted in this interesting service of humanity, should no longer remain without their encouragement and assistance. The means derived from these sources have been employed (as will be rendered apparent by a perusal of the documents connected with this application, all of which have been printed and placed on each member's table), to the very best advantage in the establishment and conduct of the Asylum at Danville.

In the year 1822, the Legislature of Kentucky incorporated and endowed the Asylum for teaching the Deaf and Dumb, and located it at Danville, a central point in the State, combining as many general and local advantages for the site of such an institution, as any spot which could have been selected in the Western Country. They threw open its doors to the whole Deaf and Dumb population of the adjacent States, and placed it under the control of a Superintending Committee, who have employed competent teachers, purchased ground, buildings, etc., and whose vigilant and enlightened devotion to the interests of the institution have been demonstrated by the rapid progress of the pupils confided to their care. The judicious management of the Asylum has led to a constant increase of its numbers; but this philanthropic institution is without adequate means to sustain an augmentation of its numbers. It has struggled on to this time by the aid of private charity, and the endowments made by Kentucky; but it would be improper to conceal the fact, that the Legislature cannot afford further assistance. The People of Kentucky have done much for the cause of literature and humanity—they are generous—their soil is rich—but they are remote from market, and their moneyed concerns embarrassed—and it cannot be denied that the various States, and the entire population of the Valley of the Mississippi, are dependent on this single institution for the means of this particular instruction; and in its present

condition it cannot completely answer the wants of Kentucky. Experience has proven, both in Europe and America, that the instruction of the Deaf and Dumb can only be usefully and successfully imparted, in institutions regularly established, and superintended by competent teachers. The estimates which have been made in Europe and America lead to the conclusion, that in any given mass of population, one out of every two thousand is Deaf and Dumb; and it may therefore be fairly inferred, that unless the Asylum at Danville is enlarged, about one thousand of our fellow citizens now living must pass from youth to death, in a state of torpor and ignorance. Let gentlemen who are not alive to the importance of the subject, conceive this number of unfortunate wretches collected. This misery amassed, these specimens of misfortunes assembled together, could any exhibition of human degradation exceed it in horror? Does not the mind shrink and startle at the very conception? And does the conception surpass the reality? The diffusion of this calamity, though it may conceal, does not diminish it. It is immeasurable, indescribable, and cannot be exaggerated by fancy or equalled by fiction. To remove all this distress, and to furnish the means of preventing it in all time to come, will require of Congress but a small expense of thought, and a few acres of land. An appropriation which would hardly suffice to complete the capital of a Corinthian column, will effect this great purpose of wisdom. The expense of *that* clock, to count the fleeting hours of the day, will erect this lasting monument of Philanthropy. Nay, Sir, the money expended upon the frivolous embellishment connected with it, graven upon inanimate stone, will kindle into thought and awake to rapture thousands of spell-bound and inert intelligences. I cannot believe that this useful bounty will be withheld, especially as the Asylum of Connecticut received a donation from Congress in the year 1819, of a township of land, from which it has derived a handsome revenue, and has been rendered permanently useful, and which sanctions by precedent this application. But, Mr. Chairman, the bill on your table is freed from all the objections which have been urged against the appropriation to the Connecticut Asylum; it is restricted to the location of the land in one tract, and it is designed for the benefit of the indigent deaf and dumb. It is to alleviate the sad condition of that class of our fellow-creatures, whose bereavement is a part of the vast machinery of eternal wisdom. To reclaim from native insertion their rich, though hidden faculties: and, by uniting the virtues of earth with the omnipotence of Heaven, to constitute man a fellow laborer with the Deity himself, in the delightful

office of ennobling humanity. The heart, at best, is but seldom a fit lawgiver; yet, in such a cause as this, its impulses may be safely trusted: for it is the cause of oppressed and suffering indigence, and it appeals with cheering hope to those generous sympathies with which, on this floor, it needs no advocate. It may not, Mr. Chairman, be improper to add, that we of the West, with a liberal spirit, have voted thousands annually to erect light-houses, clear beaches, etc., on the Atlantic frontier, which, although some of them are national in their character, and indirectly beneficial to us, yet it will not be denied, that, by furnishing profitable employment to the citizens on the sea-board, it diffused comfort and happiness, and that appropriations from the Public Treasury fall light and seldom upon the West.

But I will not so far undervalue the force of the subject, or under-rate the wisdom, humanity, and intelligence, of the Committee, as to believe they will reject the bill, which, as Chairman of the Committee, I have been instructed to report. Memorials from the Asylums of New York and Pennsylvania have been referred to the Committee, no doubt for the purpose of offering amendments to this bill. Although I should be deeply mortified at the failure of the bill for the benefit of the Kentucky Asylum, and would feel under many obligations to the gentlemen having charge of the New York and Pennsylvania memorials, if they would not encumber this bill with amendments; yet, if they should deem it their duty, I cannot vote against them, because I am persuaded Congress could not make a more beneficial appropriation to any object.

Mr. Condict moved to amend the bill, by inserting in it a provision for the benefit of the incorporated asylum of New Jersey.

Mr. Condict said, that he made this motion in pursuance of the request of a joint resolution of the two Houses of the New Jersey Legislature; but, as the nature of the subject was obvious, and familiarly known, he forebore to offer any remarks in support of the motion.

Mr. Buchanan thought, from the statement of the gentleman from Kentucky, there could hardly be a doubt as to the propriety and humanity of following the precedent set, in giving a township of land to the asylum for the deaf and dumb in Connecticut. At the proper time he should agree to the proposition of his friend from New Jersey, but at present he considered the cases quite different. This application had been before the House for three sessions; it had been referred to a Committee, and that Committee had made two reports; and this asylum at Danville has been in successful operation for several years.

He trusted this bill would pass on its own merits. The State he represented, Mr. Buchanan said, had also a similar asylum, but, for his part, he did not feel it his duty to embarrass the progress of this bill, by offering an amendment in favor of that asylum, though he knew it to be in successful operation.

Mr. Mallary said, it was sometimes the practice to embarrass the progress of a bill, by offering an amendment, entirely differing in its object, though he could not believe the gentleman had that object in view, in the present instance. He could not ask for New Jersey what he would be unwilling to give to Kentucky. He presumed the gentleman was favorable to the principle of the bill, but he thought there was no necessity for the gentleman from New Jersey to press his claims in behalf of his State, as it had a tendency to embarrass the passage of the bill. It would be best to present it, meritorious as it was, disconnected with that of any other State.

Mr. Cambreleng said he thought it right to state, that he had intended to offer an amendment to this bill embracing two institutions in favor of which a bill was introduced last session of Congress; but not wishing to embarrass the bill, in which he took great interest, he did not do so. Petitions from New York and Pennsylvania, on the subject, were now lying on the table; and after the bill got into the House, he should move that both these petitions be referred to a Select Committee, that their merits might be examined. He hoped, therefore, the gentleman from New Jersey would withdraw his motion, and refer it to the same Committee.

Mr. Wurts said, a memorial had been presented during the present session, in behalf of the institution established in Pennsylvania, for the deaf and dumb, and he had prepared an amendment to include that institution; and he believed he could show, if an appropriation was made anywhere, for such a purpose, it should be made there also; but, in accordance with the views entertained by the gentleman from New York, he should not offer it. He believed, with the gentleman from Kentucky, that they could not make an appropriation for an object which was more valuable than the one now under consideration. He did not say this lightly, having been a director of an institution of this kind for some time, and being well convinced of the benefits which flowed from it. He should vote for the bill without amendment, under the conviction that this House would do, in other parts of the Union, that which it had done in the Eastern States, and which he hoped it would do, in the valley of the Mississippi.



The amendment was rejected.

Mr. Vinton moved the following amendment, viz.: to strike out the words "or a tract of land equal thereto"; which was agreed to.

Mr. Thompson, of Ohio, moved further to amend the bill, so as to except from the grant of land section number 16; which was also agreed to.

Mr. McCoy said, he did not know where this township was to be taken from. A good portion of the land which the United States pretend to claim, was ceded for special purposes, to pay the debts of the Nation. He recollected, some few years ago, this House did, in one of their fits of humanity, grant to the asylum in Connecticut a township of land. They were immediately after applied to by the State of New York, and next session the House took a stand, and refused to grant it; and now New Jersey, and Pennsylvania, and New York, are all prepared again each to ask for a township of land. This House was gathering up a kind of legislation it would be impossible for them to get along with, and soon the People of this country would be unable to build a school house, unless this Government gave them the money. He should forbear making any more comments on the bill—he was opposed to it, although he supposed it would pass, as it seemed to be a favorite.

The bill was then ordered to be engrossed, and read a third time to-morrow.

The House adjourned.

#### C. MARCH 11, 1826<sup>1</sup>

The bill "for the relief of the Deaf and Dumb Asylum in Kentucky" having had its third reading, and the question being "Shall it pass?"

Mr. McCoy said, he had rather the bill would not pass, for several reasons, which he would endeavor briefly to state. The first was, that the House has no power to pass such a bill, unless it was to be found in that part of the preamble of the Constitution which relates to the "general welfare," or unless it is to be found in a message of the late President of the United States, which allows Congress to appropriate money for any purpose under heaven, at the pleasure of the Government. Besides this he had a great and strong objection to the policy of the measure. The Government of the United States is a great landholder; it has much land in the market—a great deal more than it ought to have at any one time. If you pass this bill, you bring a new land com-

<sup>1</sup> Extract from *Congressional Debates* (Nineteenth Congress, 1st sess., 1825-26), col. 1609.

pany into the market, who will have their lands to dispose of; for the land you are granting will certainly be sold; and, as you give to one State, you cannot with justice withhold from another; so you will have twenty-three more land companies soon in the market, with each its township to dispose of. Besides this, there is a bill on your table which sets apart a large portion of the public lands for the purposes of education in each State. Here, then, are to be twenty-four more companies. This course of proceeding will, it must, break down your sales of the public lands. These companies will undersell you, do what you will. I had rather, therefore, if a bill must pass, pay the money at once, and keep your lands in your own hands. But as I know very well that no observations of mine will influence the House to change its determination, I ask only that the yeas and nays may be taken on this question.

The House sustaining the call, the yeas and nays were ordered accordingly.

Mr. Scott rose to correct an erroneous impression under which the worthy member from Virginia labored, respecting the bill, which proposes to grant lands to the different States for the purpose of education. He seems to fear the creation of many land companies, and thinks this bill will give away the lands to the States, for them to bring into the market. It proposes no such object; it only proposes, that after the United States themselves shall have sold their lands, the net proceeds of a certain part of them shall be given to the different States for the purposes of education; it therefore contains nothing which can prejudice the General Government as a landholder; its appropriation rests on your sales; it presupposes that you sell your lands, and does not prevent the sale.

Mr. McCoy replied that he stood corrected; he had not so understood the bill, but was glad to find he had been in an error.

The question on the passage of the bill was then taken by yeas and nays, and decided in the affirmative.

So the bill was *passed*, and sent to the Senate.

#### D. MARCH 28, 1826<sup>1</sup>

The Senate then proceeded to the consideration of the bill granting a township of the public lands for the benefit of the incorporated Kentucky Asylum for teaching the Deaf and Dumb.

Mr. Cobb objected to the bill on principle, as an unconstitutional

<sup>1</sup> Extract from *Congressional Debates* (Nineteenth Congress, 1st sess., 1825-26), cols. 371-72.

grant of common property for a partial or local purpose, and argued against the bill on that ground, Whereupon;

A debate of wide extent, and considerable duration, ensued on the merits of the bill, and validity of the objections made to it by Mr. Cobb and on some of its details. The bill was supported by Messrs. Rowan, Johnson, of Kentucky, Benton, Barton, Eaton, Holmes, Lloyd, Mills, Edwards, Hendricks, and King.

Mr. Barton, in the course of the discussion, moved (for the purpose of obviating some objections, as well as to render the bill more perfect) an amendment, in substance providing that the land to be granted should be sold under the direction of the President of the United States, as other lands of the United States are, and the proceeds applied to the benefit of the Kentucky Asylum for educating the Deaf and Dumb *of the several States*.

This was opposed and supported by various gentlemen on various grounds; and

Mr. Hendricks intimated that he should move an amendment to confine the location of the land to one of the territories of the Union, as it would be prejudicial to the interest of any State, to have the location, according to the terms of the grant, made in a State.

To unite the views of both these gentlemen, and embrace their objects in a more acceptable form to himself, Mr. Johnson, of Kentucky, (the other amendment being withdrawn for the purposes), moved an amendment that the land should be sold in five years, and be located in a Territory; which amendment was agreed to.

Mr. Dickerson then moved to amend the bill further, by inserting a provision for a like grant of land to the Institution in New Jersey, for instructing the Deaf and Dumb; which motion he made pursuant to instructions from the Legislature of New Jersey.

This amendment was opposed by Messrs. Rowan, Mills, Benton, and Johnson, of Kentucky; not from hostility to the object, but on the ground that it was irregular and improper to engraft on a bill a new measure, substantially by way of amendment, which had not been regularly introduced, and previously examined.

Mr. Benton, in particular, placed his opposition emphatically on this ground.

Mr. Dickerson maintained the propriety of the course he had pursued, and was supported by Mr. Cobb, who saw no difference between the two cases, though he was opposed to both.

Mr. Dickerson's amendment was negatived without a division.

The question being on the engrossment of the bill,

Mr. Cobb rose, and delivered an argument of some length against the constitutionality of this grant.

Mr. Reed, of Mississippi, replied in extenso to Mr. Cobb, both to his general doctrines relative to the disposition of the public domain, and to the argument that this grant was for a local object.

Mr. Chandler, in a few remarks, took the side of Mr. Cobb.

The question on ordering the bill to be engrossed and read a third time,<sup>1</sup> was then decided in the affirmative, as follows:

YEAS.—Messrs. Barton, Benton, Clayton, Dickerson, Eaton, Edwards, Findlay, Hendricks, Holmes, Johnson of Kentucky, Kane, King, Lloyd, Marks, Mills, Noble, Reed, Robins, Rowan, Ruggles, Sanford, Seymour, Thomas, White, Willey, Williams, Woodbury—27.

NAYS.—Messrs. Branch, Chandler, Chase, Cobb, Harper, Hayne—6.

#### 4. Memorial of Dorothea L. Dix<sup>2</sup>

Your memorialist respectfully asks permission to lay before you what seem to be just and urgent claims in behalf of a numerous and increasing class of sufferers in the United States. I refer to the great and inadequately relieved distresses of the insane throughout the country.

Upon the subject to which this *Memorial* refers, many to whose justice and humanity it appeals are well-informed; but the attention of many has not been called to the subject, and a few, but a very few, have looked upon some features of this sad picture as revealed in private dwellings, in poor-houses, and in prisons.

<sup>1</sup> "An Act to Provide for the Location of the Two Townships of Land Reserved for a Seminary of Learning in the Territory of Florida, and to Complete the Location of the Grant to the Deaf and Dumb Asylum of Kentucky" (approved January 29, 1827), chap. 8, 4 *U.S. Statutes at Large*, 201 (Nineteenth Congress, 2d sess.).

"SEC. 3. *And be it further enacted*, That the incorporated Deaf and Dumb Asylum of Kentucky shall have the power, under the direction of the Secretary of the Treasury, of locating so much of the township of land granted to the said institution, as had been taken by the claims of those who are entitled to the right of pre-emption in the territory of Florida, under the provisions of the act aforesaid; which shall be located in sections upon any unappropriated and unreserved lands in either of the territories of Florida or Arkansas; which said tracts, when so located, shall be disposed of by the corporation of said Deaf and Dumb Asylum, agreeably to the provisions of an act passed the fifth of April, one thousand eight hundred and twenty-six, entitled "An act for the benefit of the incorporated Deaf and Dumb Asylum of Kentucky."

<sup>2</sup> Extract from *Memorial of D. L. Dix Praying a Grant of Land for the Relief and Support of the Indigent Curable and Incurable Insane in the United States*, June 23, 1848 (U.S. Thirtieth Congress, 1st sess., "Senate Miscellaneous Document No. 150").

Your memorialist hopes to place before you substantial reasons which shall engage your earnest attention, and secure favorable action upon the important subject she advocates.

It is a fact, not less certainly substantiated than it is deplorable, that insanity has increased in an advanced ratio with the fast increasing population in all the United States. For example, according to the best received methods of estimate five years since, it was thought correct to count one insane in every thousand inhabitants throughout the Union. At the present, my own careful investigations are sustained by the judgment and the information of the most intelligent superintendents of hospitals for the insane, in rendering the estimates not less than one insane person in every eight hundred inhabitants at large, throughout the United States.

There are, in proportion to numbers, more insane in cities than in large towns, and more insane in villages than among the same number of inhabitants dwelling in scattered settlements.

Wherever the intellect is most excited, and health lowest, there is an increase of insanity. This malady prevails most widely, and illustrates its presence most commonly in mania, in those countries whose citizens possess the largest civil and religious liberty; where, in effect, every individual, however obscure, is free to enter upon the race for the highest honors and most exalted stations; where the arena of competition is accessible to all who seek the distinctions which acquisition and possession of wealth assures, and the respect accorded to high literary and scholastic attainments. Statesmen, politicians, and merchants, are peculiarly liable to insanity. In the United States, therefore, we behold an illustration of my assertion. The kingdoms of Western Europe, excepting Portugal, Spain, and the lesser islands dependent on Great Britain, rank next to this country in the rapid development of insanity. Sir Andrew Halliday, in a letter to Lord Seymour, states that the number of the insane in England has become more than tripled in the last twenty years. Russia in Europe, Turkey, and Hungary, together with most of the Asiatic and African countries, exhibit but little insanity. The same is remarked by travellers, especially by Humboldt, of a large part of South America. Those tracts of North America inhabited by Indians, and the sections chiefly occupied by the negro race, produce comparatively very few examples. The colored population is more liable to attacks of insanity than the negro.

This terrible malady, the source of indescribable miseries, does increase, and must continue fearfully to increase, in this country, whose

free, civil, and religious institutions create constantly various and multiplying sources of mental excitement. Comparatively but little care is given in cultivating the moral affections in proportion with the intellectual development of the people. Here, as in other countries, forcible examples may be cited to show the mischiefs which result alike from religious,<sup>1</sup> social, civil, and revolutionary excitements. The Millerite delusions prepared large numbers for our hospitals; so also the great conflagrations in New York, the Irish riots and firemen's mobs in Philadelphia; and the last presidential elections throughout the country levied heavily on the mental health of its citizens.

Abroad, discontents in Scotland, civil and religious; agitations in Wales, social and civil; wide-spread disturbances in the manufacturing and agricultural districts of England; tumultuous and riotous gatherings in Ireland—all have left abiding evidence of their mischievous influence upon the records of every hospital for the insane. France, too, unfolds a melancholy page of hospital history. Subsequent to the bloody revolution which marked the close of the eighteenth century, the hospitals for the insane were thronged, showing that where the effect of exalted mental excitement failed to produce insanity in the parents, it was developed in the children, and children's children—a fearful legacy, and sure!

The political disturbances which convulsed Canada, several years since, were followed by like results. . . .

In law, idiots are ranked with the insane. I have remarked, throughout our country, several prevailing causes of organic idiocy; of these the most common, and the most surely traced, is intemperance of parents, and the marriage and intermarriage of near relatives and kindred. Abounding examples exist on every side throughout the land.

In calculating the statistics of mental aberration, from the best authorities, it is found impossible to arrive at exactly correct results; approximation to facts is all that can be attained.

There is less maniacal insanity in the southern than in the northern States, for which disparity various causes may be assigned. Two leading causes, obvious to every mind, is the much larger amount of

<sup>1</sup> I wish to mark carefully the distinction between true religion and extravagant religious excitements. The one is the basis of every virtue, the source of every consolation under the manifold trials and afflictions which beset the path of every one in the course of this mortal pilgrimage; while that morbid state which is created by want of calm, earnest meditation, and self-discipline, by excessive demands upon the physical strength, by protracted attendance upon excited public assemblies, is ever to be deprecated. . . .

negro population, and the much less influx of foreigners, in the former than in the latter. . . .

Our hospitals for the insane are already receiving a vast population of uneducated foreigners; and most of these, who become the subjects of insanity, present the most difficult and hopeless, because the least curable cases. Take for example the following records, which are gathered from the city hospitals for the insane poor, passing by for the present all the State and general hospitals:

In 1846, the Boston City Hospital for the insane poor received 169 patients; 90 of whom were foreigners, 35 natives of other States, and 44 alone residents of the city. Of the 90 foreigners, 70 were Irish. The New York City Hospital for the insane poor, on Blackwell's Island, which went into operation in 1839, had, in the autumn of 1843, about 300 patients. Of 284 admitted the following year, 176 were foreigners, viz.: 112 Irish, 21 English, 27 Germans; and besides these were 38 natives of New York. On the first of January, 1846, there were in the institution 356 patients, of whom 226 were foreigners. In January, 1847, there were 410 insane patients, 328 of whom were foreigners. The cost to the city of supporting this institution, in 1846, was \$24,179.67. . . .

Allowing at the present time 22,000,000 inhabitants in the United States, (which is below the estimated number,) and supposing only one in every thousand to be insane or idiotic, we have then 22,000 to take charge of; a majority of whom are in needy or necessitous circumstances. Present hospital provision relieves (if we do not include those institutions not considered *remedial*) less than 3,700 patients. Where are the remainder, and what is their condition? More than 18,000 are unsuitably placed in private dwellings, in jails, in poorhouses, and other often most wretched habitations.

Dr. Kirkbride, who has carefully reviewed this subject, writes as follows: "In regard to whole numbers, my own inquiries lead me to believe that one in every six or seven hundred inhabitants would be a nearer approximation to correct estimate than one in every thousand, which has heretofore been assumed as the common rule." According to the latest Parliamentary returns taken with the report of the Metropolitan Commissioners on Lunacy, which give the number of all classes of insane in the hospitals of England and Wales, it is ascertained that in these two countries "there is one insane *pauper* to every one thousand inhabitants alone."

The liability of communities to insanity should not, I suppose, be estimated by the number of *existing* cases at any one time; for insanity

does not usually hasten the termination of life. Take for example Massachusetts, New York, and Virginia, where are found so large numbers of established, long-existing cases. These are counted again and again, every year, every five, or every ten years. A fairer test of the liability of communities to insanity is to be found in the *occurring* cases in *corresponding given periods*.

There are twenty State hospitals, besides several incorporated hospitals, for the treatment of the insane, in nineteen States of the Union, Virginia alone having two government institutions of State and incorporated hospitals. . . .

Well organized hospitals are the only fit places of residence for the insane of all classes; ill-conducted institutions are worse than none at all. The New York City Hospital for the Insane, and the State hospitals of Georgia and Tennessee, cannot take present respectable rank as curative or comfortable hospitals.

Tennessee State Hospital, at Nashville, was opened in 1839. According to an act of the legislature the present year, this hospital is to be replaced by one of capacity to receive 250 patients. In the old hospital are 64 patients. Boston City Hospital for the indigent, which has 150 patients, and Ohio State Hospital at Columbus, were severally opened in 1839. The latter has been considerably enlarged, and has now 329 patients. Maine State Hospital, at Augusta, 1840, patients 130. New Hampshire State Hospital, at Concord, was opened in 1842, and has 100 patients. New York State Hospital, at Utica, was established in 1843, and has since been largely extended, and has 600 patients. Mount Hope Hospital, near Baltimore, 1844-45; has 72 insane patients. Georgia has an institution for the insane at Milledgeville, and at present 128 patients. Rhode Island State Hospital opened, under the able direction of Dr. Ray, early in 1848. New Jersey State Hospital, at Trenton, 1848. Indiana State Hospital, at Indianapolis, will be opened in 1848. State Hospital of Illinois, at Jacksonville, will be occupied before 1849. The Louisiana State Hospital will be occupied perhaps within a year.

I repeat that these institutions, liberally sustained as are most of them, cannot accommodate *one twelfth* of the insane population of the United States which require prompt remedial care.

It may be suggested that though hospital treatment is expedient, perhaps it may not be absolutely necessary, especially for vast numbers whose condition may be considered irrecoverable, and in whom the right exercise of the reasoning faculties may be looked upon as past



hope. Rather than enter upon a philosophical and abstract argument to prove the contrary to be the fact, I will ask permission to spread before you a *few* statements gathered, without special selection, from a mass of records made from existing cases, sought out and noted during *eight years* of sad, patient, deliberate investigation. To assure accuracy, establish facts beyond controversy, and procure, so far as possible, temporary or permanent relief, more than sixty thousand miles have been traversed, and no time or labor spared which fidelity to this imperative and grievous vocation demanded. The only States as yet unvisited are North Carolina, Florida, and Texas. From each of these, however, I have had communications, which clearly prove that the conditions of the indigent insane differ in no essential degree from those of other States.

I have myself seen *more than nine thousand idiots, epileptics, and insane, in these United States, destitute of appropriate care and protection*; and of this vast and most miserable company, sought out in *jails*, in *poorhouses*, and in *private dwellings*, there have been hundreds, nay, rather thousands, bound with galling chains, bowed beneath fetters and heavy iron balls, attached to drag-chains, lacerated with ropes, scourged with rods, and terrified beneath storms of profane execrations and cruel blows; now subject to jibes, and scorn, and torturing kicks — now abandoned to the most loathsome necessities, or subject to the vilest and most outrageous violations. These are strong terms, but language fails to convey the astounding truths. I proceed to verify this assertion, commencing with the State of Maine. I will be ready to specify the towns and districts where each example quoted did exist, or exists still.

In B—, a furious maniac confined in the jail; case doubtful from long delay in removing to an hospital; a heap of filthy straw in one corner served for a bed; food was introduced through a small aperture, called a slit, in the wall, through which also was the sole source of ventilation and avenue for light.

Near C—, a man for several years in a narrow filthy pen, chained; condition loathsome in the extreme.

In A—, insane man in a small damp room in the jail; greatly excited; had been confined many years; during his paroxysms, which were aggravated by every manner of neglect, except want of food, he had *torn out his eyes*, lacerated his face, chest, and arms, seriously injured his limbs, and was in a state most shocking to behold. In P—, nine very insane men and women in the poorhouse, all exposed to neglect and every species of injudicious treatment; several chained, some in

pens or stalls in the barn, and treated less kindly than the brute beasts in their vicinity. At C—, four furiously crazy; ill treated, through the ignorance of those who held them in charge. 47 cases in the middle district, either scattered in poorhouses, jails, or in private families, and all inappropriately treated in every respect; many chained, some bearing the marks of injuries self-inflicted, and many of injuries received from others. In New Hampshire, on the opening of the hospital for the reception of patients, in 1842, many were removed from cages, small unventilated cells in poorhouses, private houses, and from the dungeons of county jails. Many of these were bound with cords, or confined with chains; some bore the marks of severe usage by blows and stripes. They were neglected and filthy; and some, who yet remain in remote parts of the State, through exposure to cold in inclement seasons, have been badly frozen, so as to be maimed for life. Details in many cases will not bear recital.

In New Hampshire, a committee of the legislature was named in 1832, whose duty it was to collect and report statistics of the insane. Returns were received from only one hundred and forty-one towns: in these were returned the names of *one hundred and eighty-nine* persons bereft of their reason, and incapable of taking care of themselves; ninety men and ninety-nine women. The number confined was *seventy-six, twenty-five* of whom were in private houses, seven in cells and cages, six in chains and irons, and four in the jails. Of the number at liberty, many had at various times been confined. Many of the facts represented by this committee are too horrible to repeat, and would lead many to the belief that they could not be correct, were they not so undeniably authenticated. The committee remark that from many towns no returns had been made, and conclude their *Report* with the declaration "that they could not doubt that the numbers of the insane greatly exceeded the estimates rendered."

Where were these insane? "Some were in cells or cages; some in outbuildings, garrets, or cellars; some in county jails, shut up with felons and criminals; some in almshouses, in brick cells, never warmed by fire, nor lighted by the rays of the sun." The facts presented to this committee not only exhibit severe unnecessary suffering, but utter neglect, and in many cases actual barbarity.

Most of the cases reported, I could authenticate from direct investigation. . . .

The [New Hampshire] committee of 1836 conclude their *Report* as follows:

Neither the time nor the occasion requires us to allude to instances of the aggravated and almost incredible suffering of the insane poor which have come to our knowledge. We are convinced that the legislature require no high wrought pictures of the various gradations of intense misery to which the pauper lunatic is subjected; extending from his incarceration in the cold, narrow, sunless, and fireless cell of the almshouse, to the scarcely more humane mode of "*selling him at auction*," as it is called, by which he falls into the hands, and is exposed to the tender mercies, of the most worthless of society, who alone could be excited by cupidity to such a revolting charge. Suffice it on this point, your committee are satisfied that the horrors of the *present* condition of the insane poor of New Hampshire are far from having been exaggerated; and of course they find great unwillingness on the part of those having charge of them to render correct accounts, or to have these repeated to the public.

The *Report* of the nine trustees for the hospital, for 1847, states, that from authentic sources they are informed that "in eight of the twenty-four towns in Merrimack county, having an aggregate population of twelve thousand, there are eighteen insane paupers; part supported upon the town-farms, and part *set up and bid off at auction from year to year, to be kept and maintained by the lowest bidder*." According to the data afforded above, there must be in the State several hundred insane supported on the poor-farms, or put up at auction, annually.

In Vermont, the same neglect, ignorance, and sometimes brutal severity, led to like results. Dr. Rockwell, his assistant physicians, and the whole corps of hospital nurses, bear accordant testimony to the sufferings of patients formerly brought to that institution from all parts of the State; and many even now arrive under circumstances the most revolting and shocking, subject to the roughest treatment or the most inexcusable and extreme neglect.

I have seen many of these afflicted persons, men of hardy frames and women of great capacity for endurance, bowed and wasted till almost all trace of humanity was lost in groveling habits, and injuries through severities and privations, which those cannot comprehend who have never witnessed similar cases of misery.

Not many counties, if indeed any towns or parishes, but have their own tales of various woe, illustrated in the miseries of the insane.

In the eighth annual *Report* of the Vermont hospital for 1844 is the following record, which being a repetition in fact, if not almost literal expression of my own notes, I adopt in preference:

One case was brought to the hospital four and a half years ago, of a man who had been insane more than twelve years. During the four years previous to his admission he had not worn any article of clothing, and had been caged in a cellar, without feeling the influence of a fire. A nest of straw was his only bed and covering. He was so violent that his keeper thought it necessary to cause *an iron ring to be riveled about his neck*, so that they could hold him when they changed his bed of straw. In this miserable condition he was taken from the cellar and conveyed to the hospital. . . .

Examples here, as in *every State of the Union*, might be multiplied of the insane caged and chained, confined in garrets, cellars, corn-houses, and other outbuildings, until their extremities were seized by the frost, and their sufferings augmented by extreme torturing pain.

*In all the States* where the cold of winter is sufficient to cause freezing of the human frame by exposure, I have found many mutilated insane, deprived either of the hands or the feet, and sometimes of both

In Massachusetts we trace repetition of like circumstances. . . .

Attempts to cultivate the higher faculties of these creatures, seemingly the merest animals, have been successfully adopted to a moderate extent in France, Germany, and Switzerland, and in the United States the subject has been discussed. Dr. Ray, of the Rhode Island Hospital, not long since visited a school for idiots which has been established at the Bicêtre, near Paris. He writes, that "as early as the year 1828, Femés<sup>1</sup> made the first attempt in France to develop the powers of idiots, which attempt has resulted in the present school of Voisin, and which exhibits to the astonished spectator a triumph of perseverance and skill in the cause of humanity, that does infinite credit to the heart and understanding of that gentleman." This testimony is supported by Dr. Conolly, who, visiting the hospitals near Paris, said, "I was conducted to a school exclusively established for the improvement of these cases, and of the epileptic, and nothing more extraordinary can well be imagined." Dr. Hayward, of Boston, who visited, last year, the schools for idiots above referred to, expresses the opinion that the great benefits to the unfortunate classes whose good they are designed to promote can hardly be appreciated, and that no pains should be spared to establish similar institutions in the United States.

<sup>1</sup> A small volume entitled *Essays upon Several Projects*, by Daniel de Foe, London, 1702, contains this remarkable passage: "*The wisdom of Providence has not left us without examples of some of the most stupid natural idiots in the world who have been restored to their reason, infused after a life of idiotism; perhaps, among other wise ends, to confute that sordid supposition that idiots have no souls.*"

I visited the poor house in W—. In a cage, built under a woodshed, fully exposed to all passers upon the public road, was a miserable insane man, partially enveloped in a torn coverlet. "My husband," remarked the mistress of the house, "clears out the cage and puts in fresh straw once a week; but sometimes it's hard work to master him. You see him now in his best estate!"

In the adjacent town, at the poorhouse, was a similar case; only, if possible, more revolting, more excited, and more neglected. There were also other persons there in different stages of insanity.

In a county jail not distant was a man who had been confined in a close apartment for many years; a wreath of rags invested his body and his neck; he was filthy in the extreme; there was neither table, seat, nor bed; a heap of noxious straw defiled one corner of the room.

One case more must suffice for this section: I would that no others could be adduced even more revolting than are these so briefly referred to. In G—, distant from the poorhouse a few rods, was a small wooden building, constructed of plank, affording a single room; this was unfurnished, save with a bundle of straw. The occupant of this comfortless abode was a young man, declared to be incurably insane. He was chained, and could move but a little space to and fro; the chain was connected to the floor by a heavy staple at one end—the other was attached to an *iron collar which invested his neck*—the device, it seemed, of a former keeper. In summer the door was thrown open, but during winter it was closed, and the room was in darkness. Some months after I saw this poor patient, and after several individuals also had witnessed his sufferings, the authorities who directed the affairs of the poorhouse reluctantly consented that he should be placed under the care of Dr. Bell. The man who was charged to convey the patient the distance of rather more than forty miles, having bound and chained him (I have the impression that, by the aid of a blacksmith, he was released at this time from the torturing iron ring) conveyed him as far as East Cambridge, arriving at dusk. Instead of proceeding with the patient at once to the hospital, which was distant less than a mile, in Somerville, he chained him for the night to a post in the stable. After breakfast he was released and carried to the hospital in a state of much exhaustion. While the careful attendants and humane physician were busied in removing the strong bands which chafed his limbs, and lacerated the flesh in many places, he continually endeavored to express his gratitude—embracing them, weeping, and exclaiming, "Good men! kind men! Ah, good, kind men, keep me here."

After some months of careful nursing, he was so much improved that strong hopes were entertained of his complete restoration. These were crushed by an absolute decision of the overseers of the poor, remanding him to his old prison. Remonstrance was ineffectual. The last account stated an entire relapse, not only to the former state, but to a still more hopeless condition. He had become totally idiotic. . . .

Of the most miserable neglects in the case of large numbers carried for successive years to the Hartford Retreat, Drs. Brigham, Woodward, and Butler can, even now, bear sad testimony; and to the observations of medical men may be added the evidence of that good man and true friend of sufferers, Rev. T. H. Gallaudet.

Rhode Island has nearly or quite four hundred insane, idiots, and epileptics. About 90 recently are receiving the benefit of hospital care, under the enlightened administration of Dr. Ray. In no State, however, have I found more terrible examples of neglect and suffering, from abuse or ignorance, than existed there in the year 1843, and some cases in 1845-47. In the jails were many pining in narrow, damp, unventilated dungeons. In the poorhouses were many examples of misery and protracted distress. In private families these conditions were less frequent; but the suffering, through ill-directed aims at securing the patients from escape, was in many instances equally revolting and shocking. Here, as in the five States first referred to, hundreds of special cases might be cited, did time permit. . . .

New York, according to the census of 1840, had 2,340 idiots and insane. I am convinced that this estimate was below the certain number by many hundreds. In 1841, the Secretary of State reported 803 supported at public charge. In 1842, the trustees of poorhouses estimated the number of insane poor then confined in the *jails* and *poor houses* at 1,430. In 1843 I traversed every county in the State, visiting every poorhouse and prison, and the insane in many private families. The hospital for the insane at Utica was opened in January, 1843, and during the year received 276 patients, all with the exception of six being residents of the State of New York. On Blackwell's island were above 300; at Bloomingdale more than 100: 26 were at Bellevue. Besides these, I found, chiefly in the poorhouses, more than 1,500 insane and idiots, 500 of whom were west of Cayuga bridge. In the poorhouse at Flatbush were 26 insane, not counting idiots; in that at Whiteplains were 30 insane; at Albany between 30 and 40; at Ghent 18; in Greene

county 46. In Washington county poorhouse, besides "simple, silly, and idiotic," 20 insane. Nearly every poorhouse in the State had, and still has, its "crazy house," "crazy cells," "crazy dungeons," or "crazy hall;" and in these, with rare exceptions, the inevitable troubles and miseries of the insane are sorely aggravated.

At A—, in the cell first opened, was a madman. The fierce command of his keeper brought him to the door, a hideous object; matted locks, an unshorn beard, a wild, wan countenance, disfigured by vilest uncleanness; in a state of nudity, save the irritating incrustations derived from that dungeon, reeking with loathsome filth. There, *without light*, without pure air, without warmth, without cleansing, absolutely destitute of everything securing comfort or decency, was a human being—*forlorn, abject, and disgusting*, it is true, but not the less of a human being—*nay more, an immortal being*, though the mind was fallen in ruins, and the soul was clothed in darkness. And who was he—this neglected, brutalized wretch? A burglar, a murderer, a miscreant, who for base, foul crimes had been condemned, by the justice of outraged laws and the righteous indignation of his fellow-men, to expiate offences by exclusion from his race, by privations and sufferings extreme, yet not exceeding the measure and enormity of his misdeeds? No; this was no doomed criminal, festering in filth, wearing wearily out the warp of life in dreariest solitude and darkness. No, this was no criminal—"only a crazy man." How, in the touching language of Scripture, could he have said: "My brethren are far from me, and mine acquaintance are verily estranged from me: my kinsfolk have failed, and my familiar friends have forgotten me: my bone cleaveth unto my skin and my flesh. Have pity upon me, have pity upon me, for the hand of God hath touched me!"

I turned from this sickening scene only to witness another more pitiable. In the far corner of a damp, dark dungeon on the right was a human creature—"a woman dreadful bad," said the attendant, who summoned her in harsh tones to "come out:" but she only moved feebly amidst the decaying mass of straw, uttering low moans and cries, expressive both of physical pain and mental anguish. There she lay, seemingly powerless to rise. She, too, was unclothed; and in this dungeon, alone, in want, and pain, and misery; no pure air, no pleasant light, no friendly hand to chafe the aching limbs, no kind voice to raise and cheer, she dragged out a troubled existence. I know nothing of her history; whether forsaken by able kindred, or reluctantly given over to *public charity* by indigent parents, or taken in, a wandering, dement-

ed creature. I only know that I found and left her reduced to a condition upon which not one who reads this page could look but with unmitigated horror. Do you turn with inexpressible disgust from these details? It is worse to witness the reality. Is your refinement shocked by these statements? There is but one remedy; the multiplication of well-organized hospitals; and to this end, creating increased means for their support. In the same poorhouse, in the "crazy cellar," were men *chained to their beds*, or prostrate on the ground, fettered, and painfully confined in every movement. There were women, too, in wretched, unventilated, crowded rooms, exhibiting every horrible scene their various degrees of insanity could create.

In B—, the cells in the crazy cellar admitted neither light nor pure air.

In T—, the cells for the insane men were in a shocking condition.

In A—, were above twenty insane men and women in the poorhouse, mostly confined *with chains and balls attached to fetters*. "By adopting this plan," said the master of the poorhouse, "I have given them light and air, preventing their escape; otherwise I should have to keep them always in the cells." A considerable number of women, mostly incurables, were "behinds the pickets," in an out-building; there was a passage sufficiently lighted and warmed, and of width for exercise. There was no classification; the noisy and the quiet mutually vexed each other. One woman was restrained by a barbarous apparatus to prevent rendering her clothes: it consisted of *an iron collar investing the throat*, through which, at the point of closing in front, passed a small bolt or bar, from which depended *an iron triangle*, the sides of which might measure sixteen or eighteen inches. To the corners of the horizontal side were attached *iron wristlets*: thus holding the hands confined, and as far apart as the length of the base line of the triangle. When the hands and arms were suddenly elevated, pressure upon the apex of the triangle, near the point of connexion at the throat, produced a sense of suffocation; and why not certain strangulation, it was not easy to show.

Not distant from the poorhouse I found a woman in a private dwelling, supported by two invalid sisters; she was in the highest state of phrensy, and nearly exhausted the patience of love in those who toiled laborously for her and their own scanty maintenance. She had once been transferred to the poorhouse; but patience was never there exercised in behalf of the unruly; and bearing the marks of harsh blows,



she was taken again by her sisters, to share "the little they could earn so long as they or she should live."

In E—, the insane, as usual, were unfitly disposed of. To adopt the language of a neighboring farmer, "those damp dreary cells were not fit for a dog to house in, much less for crazy folks."

At R—, and M—, and L—, and B—, were repetitions of the like dismal cells—heavy chains and balls, and hopeless sufferings. After my visit at L—, I found one of the former inmates at the hospital in charge of Dr. Brigham. *He bore upon his ankles the deep scars of fetters and chains, and upon his feet evidence of exposure to frost and cold.*

In B—, several idiots occupied together a portion of a most comfortable establishment. *One gibbering, senseless creature* was the mother of an infant child.

At A—, the most furious were in narrow cells, which were neither cleaned, warmed, nor ventilated. In O— was an insane man, so shockingly neglected and abused that his limbs were crippled, so that he could neither stand nor walk; he was extended on a miserable dirty pallet, untended and little cared for.

At E—, the insane were confined in cells crammed with coarse, dirty straw, in the basement, dark and damp. "They are," said the keeper, "taken out and *washed* (buckets of water thrown over them) *and have clean straw, once every week.*"

In H—, were many furiously crazy. Several of the women were said to be mothers of infants, which were in an adjoining room pining with neglect, and unacknowledged by their frantic mothers.

I pass over hundreds of desperate cases, and quote a few examples from my notes in New Jersey; altogether omitting Canada, East and West, as being without the limits of the United States; though corresponding examples with those in New York were found in almost every direction. In 1841, there were found in New Jersey, upon a rather cursory survey, *two-hundred and fifty-two insane men, one hundred and sixty-three insane women, and one hundred and ninety-six idiots*, of both sexes. I traversed the State in 1844; the numbers in every county were increased, and their miseries were also increased. Sixty patients had been placed in the hospitals in New York and Pennsylvania, but hundreds still occupied the wretched cells and dungeons of almshouses, and of prisons. In the winter of 1845 several froze to death, and several perished through severe exposure and alarm at a fire which consumed a populous poorhouse. At S—, of eight insane patients, several were heavily chained, and two were furiously mad.

In one poorhouse was a man who had been chained by the leg for more than twenty years, and the only warmth introduced into his cell was derived from a small stovepipe carried through one corner.

On a level with the cellar, in the basement room, tolerably decent but bare of comforts, lay upon a narrow bed a feeble, aged man, whose few gray locks fell tangled over the pillow. As I entered he addressed one present, saying, "I am all broken up—broken up!" "Do you feel much weaker, *Judge?*" "The mind, the mind is going—almost gone," responded he, in tones of touching sadness. This feeble, depressed old man, in a lone room in the poorhouse—who was he? I answer as I was answered. In his young and vigorous years he filled various offices of honor and trust in his county. His ability as a lawyer raised him from the bar to the bench. As a jurist he was distinguished for uprightness, clearness, and impartiality. He was also judge of the orphan's court, and was for many years a member of the legislature. He was somewhat eccentric, but his habits were always correct. I could learn nothing remembered to his discredit, but much which commends men to honor and respect. He had passed the meridian of a useful and active life. The property, honestly acquired, on which he had relied for comfortable support in his declining years, was lost by some of those fluctuations in monetary affairs which so often procure unanticipated reverses. He became insane: soon, insanity took the form of furious mania: *he was chained*, "for safety;" and finally, for greater security, committed to the county jail—a most wretched place—dreary, damp, and unfurnished. Time passed: a more quiet state supervened. He was placed at board in a private family, till the remnant of his once sufficient property was consumed, and then he was removed to the poorhouse. Without vices and without crimes, he was at once the victim of misfortunes and the prey of disease. A few months subsequent to my visit the almshouse was consumed by fire. The inmates barely rescued, were hastily removed, and such cares rendered as the emergency demanded. Fires were kindled in the court house, and a portion of the poor removed thither. Of this number was Judge S. His pallet was laid within the bar, below the bench where he had once presided. The place perhaps revived painful memories; he was conscious of his condition; spoke of his trials; languished a few days; and, in the good providence of God, was then released from the pains and afflictions of this mortal life, and, it is believed, passed to that state of existence where all tears are wiped from all eyes, and where troubles are unknown.

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In P—, the *cells in the cellar for the insane* were in a most wretched condition. In M—, the insane, and many imbeciles, were miserably housed, fed, and clothed. In the vicinity of the main building was one of brick, containing the poor cells, *from eight to nine feet square*. A straw bed and blanket on the floor constituted the furniture, if I except the *ring-bolts and iron chains for securing the patients*. In P—, I found the insane, as usual, ill provided for. One madman was chained, clothed only with a straight jacket, laced so as to impede the motion of the arms and hands: cold, exposed, and offensive to the last degree, his aspect, wild and furious, was as shocking as his language was coarse and blasphemous. Such care was bestowed as the keepers of the poor-house best could render; but an hospital alone could afford fit treatment for one so dangerous and so unmanageable. . . .

In Y— were above thirty insane: those in the basement of the poorhouse occupied cells of sufficient dimensions, being fourteen by ten, and ten feet high; *hobbles and chains* in use. The physician estimated the number of insane in the county at more than one hundred, and added that cases of exceeding neglect and suffering often came to his knowledge. Sufficient provision in hospitals might save thousands of honest citizens from becoming a life-long burden to themselves and others, through permanent insanity. In this county above one hundred insane were found; there probably were other cases. In the poorhouse at G— the insane were exposed and suffering; the basement cells measured *eight by eight feet, and eight feet high*. *Chains, hobbles*, and the miscalled "*tranquilizing chain*," were in use. There were more than forty insane in the county.

In C—, above twenty insane and idiots in the poorhouse; one was chained near the fireplace of a small room; a box filled with straw was near, in which he slept. Above 60 insane and idiots in this county. In B— I found nearly forty; some chained, others confined in narrow cells. In S—, several insane in the jail; one, *heavily ironed*, had been in close confinement there six years—another for eleven months. In this county the insane and idiots were estimated to be 76 in 1840. I heard of more than 100. One woman has for months wandered in the woods and fields in a state of raving madness.

In G—, several cases in the jail; one chained: above forty in the county.

In N—, in the jail, two madmen in chains; no furniture or decent care. One was rolling in the dust, in the highest excitement: he had been in close confinement for fifteen years. On one occasion he became

exasperated at the introduction of a drunken prisoner into his cell, who perhaps provoked him. No one knows; but the keeper, on entering, found the insane man furious, covered with the blood of the other, who was murdered and mutilated in the most shocking manner. Another insane man had been in confinement for seven years, and both are to this day in the same prison. In the poorhouse were above twenty insane and idiots; four chained to the floor. In the adjacent county were above fifty insane and epileptics; several cases of misery through brutal usage, by "kicks and beating," in private families.

In W— were seven very crazy, and above twenty simple, insane, and idiotic. One, who was noisy, was in a small building in a field. The condition of all was degraded and exposed. In P—, the insane in the jail were subject to great miseries. Many in the county were harshly confined; some wandering at liberty, often dangerous to the safety of all they met. The twelve counties next visited afforded corresponding examples. The nine next traversed had fewer insane, and fewer, in proportion to whole numbers, in chains. In H—, one case claimed special sympathy. Adjacent to a farm house was a small shanty, slightly constructed of thin boards, in which lies an old feeble man, with blanched hair, not clad either for protection or decency; "fed," as said a poor neighbor very truly, "fed like the hogs, and treated worse." He is exposed to the scorching heats of summer, and pinching cold of the inclement winter; no kind voice cheers him, no sympathizing friend seeks to mitigate his sufferings. He is an outcast, a crazy man, almost at the door of his once cheerful, comfortable home. I pass by without detail nearly *one hundred* examples of insane men and women in *filthy cells, chained and hobbled*, together with many idiots and epileptics wandering abroad. Some were confined in low, damp, dark cellars; some wasted their wretched existence in dreary dungeons, deserted and neglected. It would be fruitless to attempt describing the sufferings of these unhappy beings for a day even. What must be the accumulation of the pains and woes of years, consigned to prisons and poorhouses, to cells and dungeons, enduring every variety of privation—helpless, deserted of kindred, tortured by fearful delusions, and suffering indescribable pains and abuses. These are no tales of fiction. I believe that there is no imaginable form of severity, of cruelty, of neglect, of every sort of ill-management for mind and body, to which I have not seen the insane subject in all our country, excepting the three sections already defined. As a general rule, *ignorance* procures the largest measure of these shocking results; but while of late years much is accomplished, and

more is proposed, by far the largest part of those who suffer remain unrelieved, and must do so, except the general government unites to assist the several States in this work.

In Maryland, large numbers are at this hour in the lowest state of misery to which the insane can be reduced. At four different periods I have looked into the condition of many cases, counting hundreds there. Chains, and want, and sorrows, abound for the insane poor in both the western and eastern districts, but especially in the western.

In Delaware, the same history is only to be repeated, with this variation: as the numbers are fewer, so is the aggregate of misery less.

In the District of Columbia, the old and the new jails, and the almshouses, had, till very recently, their black, horrible histories. I witnessed abuses in some of these in 1838, in 1845, and since, from which every sense recoils. At present, most of these evils are mitigated in this immediate vicinity, but by no means relieved to the extent that justice and humanity demand.

In Virginia, very many cases of extreme suffering now exist. The most observing and humane of the medical profession have repeatedly expressed the desire for additional hospital provision for the insane. Like cases of great distress to those in Maryland and Pennsylvania were found in the years 1844 and '45. In every county through which I passed were the insane to be found—sometimes chained, sometimes wandering free. In the large, populous poorhouse near R— were spectacles the most offensively loathsome. Utter neglect and squalid wretchedness surrounded the insane. The estimate of *two thousand insane* idiots and epileptic patients in this State is thought to be below the actual number. The returns in 1840 were manifestly incorrect.

In the *Report* upon the Western State Hospital of Virginia, at Staunton, for the year 1847, Dr. Stribling feelingly remarks upon the very insufficient means at command for the relief of the insane poor throughout the State. . . .

North Carolina has more than twelve hundred insane and idiots. . . .

South Carolina records the same deplorable abuses and necessities as New York. I have found there the insane in pens, and bound with cords and chains, and suffering no less than the same class in States already referred to at the north, except through exposure to the cold in winter, the climate in the southern States sparing that aggravated misery. . . .

Georgia has, so far as I have been able to ascertain, fewer insane,

in proportion to population, than either North or South Carolina, but there is not less injudicious or cruel management of the violent cases throughout the State; chains and ropes are employed to increase security from escapes, in addition to closed doors, and the bolts and bars which shut the dreary cells and dungeons of jails and other receptacles. . . .

In Tennessee the insane and idiot population, as in Kentucky, is numerous and increasing. *The same methods of confinement to cabins, pens, cells, dungeons, and the same abandonment to filth, to cold, and exposure, as in other States.*

In Kentucky I found one epileptic girl subject to the most brutal treatment, and many insane in perpetual confinement. Of the *idiots* alone, supported by the State at a cost of \$17,500.62, in indigent private families, and of which class there were in 1845 *four hundred and fifty*, many were exposed to severest treatment and heavy blows from day to day, and from year to year. In a dreary block-house was confined for many years a man whose insanity took the form of mania. Often the most furious paroxysms prevented rest for several days and nights in succession. No alleviation reached this unhappy being; without clothes, without fire, without care or kindness, his existence was protracted amidst every horror incident to such circumstances. *Chains in common use.*

In Ohio, the insane population, including idiots, has been greatly underrated, as I am fully satisfied by repeated but interrupted inquiries in different sections of the State. The sufferings of a great number here are very distressing, corresponding with those referred to in New York and in Kentucky. *Cells and dungeons, unventilated and uncleansed apartments, severe restraints, and multiplied neglects, abound.*

Michigan, it was stated, had sixty-three insane in 1840. I think it a moderate estimate, judging from my investigations, reaching no further north than Jackson and Detroit, that the number in 1847 exceeded two hundred and fifty. I saw some truly afflicted and lamentable cases.

Indiana, traversed through its whole length and breadth in 1846, exhibits the usual forms of misery wherever the insane are found; and of this class there cannot be, including idiots and epileptics, less than nine hundred. *I found one poor woman in a smoke-house, in which she had been confined more than twenty years.* In several poorhouses the insane, both men and women, were chained to the floors, sometimes all in the same apartment. Several were confined in mere pens without clothing or shelter; some furious—others for a time comparatively tranquil.

The hospital now about to be opened, when finished, will not receive to its care one patient in ten of existing cases.

Illinois, visited also in its whole extent in 1846, has more than four hundred insane, at the most moderate estimate. . . .

In Missouri, visited in 1846 and 1847, multiplied cases were found in pens, in stalls, in cages, in dungeons, and in cells; men and women alike exhibited the most deplorable aspects. Some are now dead, others still live only to experience renewed troubles of mind, and tortures of the flesh.

Let these examples suffice; others daily occur. Humanity requires that every insane person should receive the care appropriate to his condition, in which the integrity of the judgment is destroyed, and the reasoning faculties confused or prostrated.

Hardly second to this consideration is the civil and social obligation to consult and secure the public welfare: first in affording a protection against the frequently manifested dangerous propensities of the insane; and second, by assuring seasonable and skilful remedial cares, procuring their restoration to usefulness as citizens of the republic, and as members of communities.

Under ordinary circumstances, and where there is no organic lesion of the brain, no disease is more manageable or more easily cured than insanity; but to this end, special appliances are necessary, which cannot be had in private families, nor in every town and city; hence the necessity for hospitals, and the multiplication, *not enlargement*, of such institutions. The citizens of many States have readily submitted to increased taxation, and individuals have contributed liberal gifts, in order to meet these imperative wants. Hospitals have been constructed, and well organized. The important charge of these has been in most instances confided to highly responsible and skilful physicians—men whose rank in morals and in intellect, while commanding the public confidence, has wrought immeasurable benefits for hundreds and thousands of those in whom, for a time, the light of reason had been hidden.

But while the annual reports emanating from these beneficent institutions record eminent successes in the cure of *recently* developed cases, the provision for the treatment of this malady in the United States is found wholly insufficient for existing necessities, as has been already demonstrated in preceding pages.

To confide the insane to persons whose education and habits do not qualify them for this charge, is to condemn them to a mental death. The keepers of prisons, the masters of poorhouses, and most persons in

private families, are wholly unacquainted with bodily and mental diseases, and are therefore incapable of the judicious application of such remedial measures, moral, mental, and medical, as are requisite for the restoration of physical and mental health. Recovery, even of recent cases, not submitted to hospital charge, is known to be very rare; a fact readily demonstrable by examples, and by figures, if necessary. It may be more satisfactory to show the benefits of hospital treatment, rather than dilate upon the certain evils of prison and almshouse neglects or abuses, and domestic mismanagement.

Under well-directed hospital care, *recovery is the rule—incurable permanent insanity the exception*. . . .

TABLE I  
SHOWING THE DURATION OF INSANITY BEFORE ADMISSION  
TO THE HOSPITAL

Total	1833	1834	1835	1836	1837
Less than one year . . . .	48	50	49	54	73
From one to five . . . . .	20	29	37	37	58
five to ten . . . . .	27	14	17	13	15
ten to twenty . . . . .	31	8	6	11	15
twenty to thirty . . . .	12	4	1	2	4
thirty to forty . . . .	3	1	1	2	1
Unknown . . . . .	12	6	7	6	5

The tables [I and II], prepared from the records of one hospital, afford a single illustration of the views above advanced, and show the duration of insanity before the admission of the 280 patients received in five consecutive years.

An author of profound research and high intellectual endowments, in a work which was first published some years since in several foreign languages, and has since been reproduced in this country, states that "*the general certainty of curing insanity in its early stage is a fact which ought to be universally known, and then it would be properly appreciated and acted upon by the public.*" . . . .

But the *cure* alone, manifestly, is not the sole object of hospital care; secondary indeed, but of vast importance, is the secure and comfortable provision for that now large class throughout the country, the incurable insane. Their condition, we know, is susceptible of amelioration, and of elevation to a state of comparative comfort and usefulness.

Insanity prevails, in proportion to numbers, most among the educated, and according to mere conventional distinctions, in the highest



classes of society. But those who possess riches and a liberal competency are few, compared with the toiling millions; therefore the insane who are in necessitous circumstances greatly outnumber those whose individual wealth protects them usually from the grossest exposures and most cruel sufferings.

I have seen very many patients who had been confined for years in stalls, cages, and pens, and who were reduced to the most abject moral, physical, and mental prostration, removed to hospitals, divested of

TABLE II

SHOWING THE COMPARATIVE CURABILITY OF A GIVEN NUMBER OF  
CASES HEALED AT DIFFERENT PERIODS OF INSANITY,  
AS INTRODUCED TO HOSPITAL CARE

	Total Cases	Total of Each Sex	Cured or Curable	Not Cured or Incurable
Less than one year's duration . . . . .	232			
Men . . . . .		123	110	13
Women . . . . .		109	100	9
From one to two years' duration . . . . .	94			
Men . . . . .		49	31	18
Women . . . . .		45	32	13
From two to five years . . . . .	109			
Men . . . . .		65	18	47
Women . . . . .		44	18	26
From five to ten years . . . . .	76			
Men . . . . .		40	5	35
Women . . . . .		36	4	32
From ten to fifteen years . . . . .	56			
Men . . . . .		35	2	33
Women . . . . .		21	1	20

chains, fetters, and filthy garments; bathed, clothed, nursed, and nourished with careful kindness; whose improvement was, according to constitution and the nature of the disease, more or less rapid, and who in a few months became the most able laborers, under constant direction, upon the hospital farm, in the gardens, shops, and barns; and while these labors engaged the men, the women were no less busily occupied in the washing and ironing rooms, in the seamstress and dress-making apartments, and about various household daily recurring labors. These might never recover the right exercise of reason—might never be able to bear the excitements of society and the vicissitudes of life abroad; but they can, subject to judicious direction, be as cheerful and comfortable as the malady permits; occasional recurrence of paroxysms sometimes disqualifying them from the exercise of ordinary employ-

ments. A few examples may not be without interest. A young man who for ten years had been confined in an out-building of a poorhouse, in Rhode Island, who was chained and neglected, by the interposition of a visitor was released and removed to the McLean Asylum, in Massachusetts. In a few weeks he recovered the use of his limbs, so as to adopt a little voluntary exercise. Gradually he improved so as to follow the gardener; at first merely as an observer, but after a time as an efficient laborer, always cheerful and ready for employment; but he was never restored to mental health. In the same institution a young lady, insane for several years, and classing with the incurables, supports her own expenses by the use of her needle, making the most tasteful and beautiful articles, which find a ready sale. Many besides are employed variously; several draw very beautifully, observing the proportions and rules of art with great exactness.

In 1836, a raving maniac was conveyed to the State Hospital; he refused to be clothed, committed every sort of extravagance, and months passed before he was sufficiently composed to address himself to any useful employment. Gradually, however, he resorted to the carpenter's shop, amused himself with the tools, but finally applied to useful work, and, with few intervals, has since been able to accomplish a large amount of productive labor.

Another patient, who was confined nearly four years in a county prison, had several violent paroxysms: his mind is never entirely free from delusions: he speaks of his excitements—knows he is insane, and unsafe to be at large; is now ordinarily quiet, pleasant, and good tempered. He is an ingenious mechanic; makes correct observations on common things, but exhibits strange fancies and delusions upon all spiritual concerns. He labors diligently and profitably most of the time.

I do not recollect a more satisfactory illustration of the benefits of hospital care upon large numbers of incurable patients, brought under improving influences at one and the same time, than is afforded in the first opening of the hospital for the insane poor at South Boston. Prior to 1839, the insane poor of Suffolk county were confined in a receptacle in rear of the almshouse; or rather all those of this class who were furiously mad, and considered dangerous to be abroad upon the farm grounds. This receptacle revealed scenes of horror and utter abomination such as language is powerless to represent. These wretched creatures, both men and women, exhibited cases of long standing, regarded past recovery, their malady being confirmed by the grossest mismanagement.

The citizens were at length roused to a sense of the enormity and extent of these abuses, matched only, it is believed, (except in individual cases,) by the vile condition of the English private madhouses, as thrown open to the inspection of Parliamentary commissioners, within the last thirty years. The monstrous injustice and cruelty of herding these maniacs in a hall filled with cages, behind the bars of which, all loathsome and offensive, they howled, and gibbered, and shrieked, and moaned, day and night, like infuriated wild beasts, moved the kindling sensibilities of those heretofore ignorant or indifferent. The most sanguine friends of the hospital plan expected no more for these wretched beings than to procure for them greater decency and comfort; recovery of the mental faculties, for such as these, was not anticipated.

The new buildings were completed, opened, and a system of discipline adopted by Dr. Butler, the results of which I witnessed with profound interest and surprise. The insane were removed, disencumbered of their chains, freed from the remnants of foul garments, bathed, clothed, fed decently, and placed by kind nurses in comfortable apartments. Remedial means, medical and moral, were judiciously applied. Behold the result of a few months' care, in their recovered physical health, order, general quiet, and well-directed employments. Now, and since, visit the hospital when you may, at neither set time nor season, you will find this class of *incurable* patients exercising in companies or singly, reading the papers of the day, or books loaned from the library; some busy in the vegetable, some in the flower gardens, while some are found occupied in the washing and ironing rooms, in the kitchen and in the sewing rooms. Less than one-sixth of those who were removed from the almshouse recovered their reason; but, with the exception of three or four individuals, they regained the decent habits of respectable life, and a capacity to be useful, to labor, and to enjoy occupation.

No hospital in the United States but affords abundant evidence of the capacity of the insane to work under direction of suitable attendants, and of recovery from utter helplessness to a considerable degree of activity and capacity for various employments.

I have seen the patient attendants, in many institutions, persevere day by day in endeavors to rouse, and interest, and instruct the demented in healthful occupations; and these efforts after a time have found reward in the gradual improvement of the objects of their care, and their acquisition of power to attend to stated healthful labors.

While the interests of humanity, those first great obligations, are consulted by the establishment of well regulated hospitals for the in-

sane, political economy and the public safety are not less insured. The table [III] exhibits the advantage of largely extended and seasonable hospital care for the insane. I am indebted chiefly to the reports of Drs. Woodward and Awl for these carefully prepared records. . . .

TABLE III

SHOWING THE COMPARATIVE EXPENSE OF SUPPORTING OLD AND RECENT CASES OF INSANITY, FROM WHICH WE LEARN THE ECONOMY OF PLACING PATIENTS IN INSTITUTIONS IN THE EARLY PERIODS OF DISEASE; FROM THE REPORT OF THE MASSACHUSETTS STATE HOSPITAL, FOR 1843 (BY DR. WOODWARD)

No. of Old Cases	Present Age	Time Insane, in Years	Total Expense, at \$100 a Year before Entering the Hospital, and \$132 a Year Since; Last Year \$120	No. of Recent Cases Discharged	Present Age	Time Insane in Weeks	Cost of Support at \$2.30 per Week
2.....	60	28	\$3,212.00	1,622	30	7	\$16.10
7.....	48	17	2,004.00	1,624	34	20	46.00
8.....	60	21	2,504.00	1,625	51	32	73.60
12.....	47	25	2,894.00	1,635	23	28	64.40
18.....	71	34	3,794.00	1,642	42	40	92.00
19.....	59	18	2,204.00	1,643	55	14	32.20
21.....	39	10	1,993.00	1,645	63	36	82.80
27.....	47	16	1,994.00	1,649	22	40	92.00
44.....	56	20	2,082.00	1,650	36	28	64.40
45.....	60	25	2,835.00	1,658	36	14	32.20
102.....	53	25	2,833.00	1,660	21	16	36.80
133.....	44	13	1,431.00	1,661	19	27	62.10
170.....	55	20	2,480.00	1,672	40	11	25.70
209.....	39	16	1,604.00	1,676	23	23	52.90
223.....	50	20	2,364.00	1,688	23	11	25.70
260.....	47	16	2,112.00	1,690	23	27	62.10
278.....	40	10	1,424.00	1,661	37	20	46.00
319.....	53	10	1,247.00	1,699	30	28	64.40
347.....	58	14	1,644.00	1,705	24	17	39.10
367.....	40	12	1,444.00	1,706	55	10	23.00
400.....	43	14	1,644.00	1,709	17	10	23.00
425.....	48	13	2,112.00	1,715	19	40	92.00
431.....	36	13	1,412.00	1,716	35	48	110.40
435.....	55	15	1,712.00	1,728	52	55	126.50
488.....	37	17	1,912.00	1,737	30	33	75.90
Total.....		454	\$54,157.00			635	\$1,461.30

It will be said by a few, perhaps, that each State should establish and sustain its own institutions; that it is not obligatory upon the general government to legislate for the maintenance of State charities, by supplying the means of relief to individual sufferers; but may it not be demonstrated as the soundest policy for the federal government to assist in the accomplishment of great moral obligations, by diminishing

and arresting wide-spread miseries which mar the face of society, and weaken the strength of communities?

Should your sense of moral responsibility seek support in precedents for guiding present action, I may be permitted to refer to the fact of liberal grants of common national property made, in the light of a wise discrimination, to various institutions of learning; also to advance in the new States common school education, and to aid two seminaries of instruction for the deaf and dumb, viz.: that in Hartford, Connecticut, and the school at Danville, in Kentucky, &c.

But it is not for one section of the United States that I solicit benefits, while all beside are deprived of direct advantages. I entertain no sectional prejudices, advance no local claims, and propose the advancement of no selfish aims, present or remote.

I advocate the cause of the much suffering insane throughout the entire length and breadth of my country: I ask relief for the east and for the west, for the north and for the south; and for all I claim equal and proportionate benefits.

I ask of the Senate and House of Representatives of the United States, and with respectful but earnest importunity, assistance to the several States of the Union in providing *appropriate care and support for the curable and incurable indigent insane*.

I ask of the representatives of a whole nation, benefits for all their constituents. Annual taxation for the support of the insane in hospitals is felt to be onerous, both in the populous maritime States, and in the States and Territories west of the Alleghanies. Much has been done, but much more remains to be accomplished, as I have endeavored to demonstrate in the preceding pages, for the relief of the sufferings and oppressions of that large class of the distressed for whom I plead, and upon whose condition I am solicitous to fix your attention.

I ask for the people that which is already the property of the people; but possessions so holden, that it is through your action alone they can be applied as is now urged.

The whole public good must be sought and advanced through those channels which most certainly contribute to the moral elevation and true dignity of a great people.

Americans boast much of superior intelligence and sagacity; of power and influence; of their vast resources possessed and yet undeveloped; of their free institutions and civil liberty; of their liberally endowed schools of learning, and of their far-reaching commerce: they call themselves a mighty nation; they name themselves a great and wise people. If these claims to distinction above most nations of the earth

are established upon undesirable premises, then will the rulers, the political economists, and the moral philosophers of other and remote countries, look scrutinizingly into our civil and social condition for examples to illustrate the greatness of our name. They will seek not to measure the strength and extent of the fortifications which guard our coast; they will not number our vessels of war, or of commerce; they will not note the strength of our armies; they will not trace the course of the thousands eager for self-aggrandizement, nor of the tens of thousands led on by ambition and vain glory; they will search after illustrations in those God-like attributes which sanctify private life, and in that incorruptible integrity and justice which perpetuates national existence. They will note the moral grandeur and dignity which leads the statesman to lay broad and deep the foundations of national greatness, in working out the greatest good for the whole people; in effect, making paramount the interests of mind to material wealth, or mere physical prosperity. *Primarily*, then, in the highest order of means for confirming the prosperity of a people and the duration of government must be the education of the ignorant, and restoring the health and maintaining the sick mind in its natural integrity.

I will not presume to dictate to those in whose humane dispositions I have faith, and whose wisdom I cannot question.

I have approached you with self-diffidence, but with confidence in your impartial and just consideration of the subject submitted to your discussion and righteous effective decision.

I confide to you the cause and the claims of the destitute and of the desolate, without fear or distrust. I ask, for the thirty States of the Union, 5,000,000 acres of land, of the many hundreds of millions of public lands, appropriated in such manner as shall assure the greatest benefits to all who are in circumstances of extreme necessity, and who, through the providence of God, *are wards of the nation*, claimants on the sympathy and care of the public, through the miseries and disqualifications brought upon them by the sorest afflictions with which humanity can be visited.

### 5. President Pierce's Veto of Miss Dix's Bill<sup>1</sup>

*To the Senate of the United States:*

The bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," which was

<sup>1</sup> Extract from *Congressional Globe* (Thirty-third Congress, 1st sess., May 3, 1854), pp. 1061-63.

presented to me on the 27th ultimo, has been maturely considered, and is returned to the Senate, the House in which it originated, with a statement of the objections which have required me to withhold from it my approval.

In the performance of this duty prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished, and to overcome the reluctance with which I dissent from the conclusions of the two Houses of Congress, and present my own opinions in opposition to the action of a co-ordinate branch of the Government, which possesses so fully my confidence and respect.

If, in presenting my objections to this bill, I should say more than strictly belongs to the measure, or is required for the discharge of my official obligation, let it be attributed to a sincere desire to justify my act before those whose good opinion I so highly value, and to that earnestness which springs from my deliberate conviction, that a strict adherence to the terms and purposes of the Federal compact, offers the best, if not the only, security for the preservation of our blessed inheritance of representative liberty.

The bill provides, in substance:

*First.* That ten millions of acres of land be granted to the several States, to be apportioned among them in the compound ratio of the geographical area, and representation of said States in the House of Representatives.

*Second.* That wherever there are public lands in a State subject to sale at the regular price of private entry, the proportion of said ten millions of acres falling to such State, shall be selected from such lands within it; and that to the States in which there are no such public lands, land scrip shall be issued to the amount of their distributive shares, respectively; said scrip not to be entered by said States, but to be sold by them, and subject to entry by their assignees, provided that none of it shall be sold at less than one dollar per acre, under penalty of forfeiture of the same to the United States.

*Third.* That the expenses of the management and superintendence of said lands, and of the moneys received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States.

*Fourth.* That the gross proceeds of the sales of such lands, or land scrip so granted, shall be invested by the several States in safe stocks, to constitute a perpetual fund, the principal of which shall remain for-

ever undiminished, and the interest to be appropriated to the maintenance of the indigent insane within the several States.

*Fifth.* That annual returns of lands or scrip sold shall be made by the States to the Secretary of the Interior, and the whole grant be subject to certain conditions and limitations prescribed in the bill, to be assented to by legislative acts of said States.

This bill, therefore, proposes that the Federal Government shall make provision to the amount of the value of ten millions of acres of land, for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents, at the threshold, the question, whether any such act, on the part of the Federal Government, is warranted and sanctioned by the Constitution, the provisions and principles of which are to be protected and sustained as a first and paramount duty.

It cannot be questioned that if Congress have power to make provision for the indigent insane without the limits of this District, it has the same power to provide for the indigent who are not insane; and thus to transfer to the Federal Government the charge of all poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty of either public philanthropy, or public necessity to the dependent, the orphan, the sick, or the needy, which is now discharged by the States themselves, or by corporate institutions, or private endowments existing under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture of the Federal Government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law. For, however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. Whatever considerations dictate sympathy for this particular object, apply, in like manner, if not in the same degree, to idiocy, to physical disease, to extreme destitution. If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given, when Congress shall be called upon, as it doubtless will be, to pursue a similar course of legislation in the others? It will, obviously, be vain to reply that the object is worthy, but that the application has taken a wrong direction. The power will have been deliberatively assumed, the general obligation will, by this act, have been acknowledged, and the question of means and expediency will alone be left for considera-



tion. The decision upon the principle, in any one case, determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the Federal Government assuming to enter into a novel and vast field of legislation, namely, that of providing for the care and support of all those, among the people of the United States, who, by any form of calamity, become fit objects of public philanthropy.

I readily, and I trust feelingly, acknowledge the duty incumbent on us all, as men and citizens, and as among the highest and holiest of our duties, to provide for those who, in the mysterious order of Providence, are subject to want and to disease of body or mind, but I cannot find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution, and subversive of the whole theory upon which the Union of these States is founded. And if it were admissible to contemplate the exercise of this power, for any object whatever, I cannot avoid the belief that it would, in the end, be prejudicial rather than beneficial to the noble offices of charity, to have the charge of them transferred from the States to the Federal Government. Are we not too prone to forget that the Federal Union is the creature of the States, not they of the Federal Union? We were the inhabitants of Colonies distinct in local government one from the other, before the Revolution. By that Revolution the Colonies each became an independent State. They achieved that independence, and secured its recognition by the agency of a consulting body, which, from being an assembly of the ministers of distinct sovereignties, instructed to agree to no form of government which did not leave the domestic concerns of each State to itself, was appropriately denominated a Congress. When, having tried the experiment of the Confederation, they resolved to change that for the present Federal Union, and thus to confer on the Federal Government more ample authority, they scrupulously measured such of the functions of their cherished sovereignty as they chose to delegate to the General Government. With this aim, and to this end, the fathers of the Republic framed the Constitution, in and by which the independent and sovereign States united themselves, for certain specified objects and purposes, and for those only, leaving all powers not therein set forth as conferred on one or another of the three great departments, the legislative, the executive, and the judicial, indubitably with the States. And when the people of the several States had, in their State

conventions, and thus alone, given effect and force to the Constitution, not content that any doubt should, in future, arise as to the scope and character of this act, they ingrafted thereon the explicit declaration that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Can it be controverted that the great mass of the business of Government that involved, in the social relations, the internal arrangements of the body-politic; the mental and moral culture of men; the development of local resources of wealth; the punishment of crimes in general; the preservation of order; the relief of the needy, or otherwise unfortunate members of society, did, in practice, remain with the States; that none of these objects of local concern are, by the Constitution, expressly or impliedly prohibited to the States, and that none of them are, by any express language of the Constitution, transferred to the United States? Can it be claimed that any of these functions of local administration and legislation are vested in the Federal Government by any implication? I have never found anything in the Constitution which is susceptible of such a construction. No one of the enumerated powers touches the subject, or has even a remote analogy to it. The powers conferred upon the United States have reference to Federal relations, or to the means of accomplishing or executing things of Federal relation. So, also, of the same character are the powers taken away from the States by enumeration. In either case, the powers granted and the powers restricted were so granted or so restricted only where it was requisite for the maintenance of peace and harmony between the States, or for the purpose of protecting their common interests, and defending their common sovereignty, against aggression from abroad or insurrection at home.

I shall not discuss the question of power sometimes claimed for the General Government, under the clause of the eighth section of the Constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay debts, and provide for the common defense and general welfare of the United States," because if it has not already been settled upon sound reason and authority, it never will be. I take the received and just construction of that article, as if written to lay and collect taxes, duties, imposts, and excises, *in order* to pay the debts, and *in order* to provide for the common defense and general welfare. It is not a substantive general power to provide for the welfare of the United States, but is a limitation on the grant of power to

raise money by taxes, duties, and imposts. If it were otherwise, all the rest of the Constitution, consisting of carefully enumerated, and cautiously guarded grants of specific powers, would have been useless, if not delusive. It would be impossible, in that view, to escape from the conclusion, that these were inserted only to mislead for the present, and instead of enlightening and defining the pathway of the future, to involve its action in the mazes of doubtful construction. Such a conclusion the character of the men who framed that sacred instrument will never permit us to form. Indeed, to suppose it susceptible of any other construction would be to consign all the rights of the States, and of the people of the States, to the mere discretion of Congress, and thus to clothe the Federal Government with authority to control the sovereign States, by which the States would have been dwarfed into provinces or departments, and all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often, and in so many countries, struggled in vain. In my judgment you cannot, by tributes to humanity, make any adequate compensation for the wrong you would inflict by removing the sources of power and political action from those who are to be thereby affected. If the time shall ever arrive when, for an object appealing however strongly to our sympathies, the dignity of the States shall bow to the dictation of Congress, by conforming their legislation thereto, when the power, and majesty, and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."

Fortunately, we are not left in doubt as to the purpose of the Constitution, any more than as to its express language, for, although the history of its formation as recorded in the Madison papers, shows that the Federal Government, in its present form, emerged from the conflict of opposing influences, which have continued to divide statesmen from that day to this, yet the rule of clearly defined powers, and of strict construction, presided over the actual conclusion and subsequent adoption of the Constitution. . . .

I cannot but repeat what I have before expressed, that if the several States, many of which have already laid the foundation of munificent establishments of local beneficence, and nearly all of which are proceeding to establish them, shall be led to suppose, as they will be, should this bill become a law, that Congress is to make provision for such objects, the fountains of charity will be dried up at home, and the several States, instead of bestowing their own means on the social

wants of their own people, may themselves, through the strong temptation, which appeals to States as to individuals, become humble suppliants for the bounty of the Federal Government, reversing their true relation to this Union.

Having stated my views of the limitation of the powers conferred by the eighth section of the first article of the Constitution, I deem it proper to call attention to the third section of the fourth article, and to the provisions of the sixth article, bearing directly upon the question under consideration; which, instead of aiding the claim to power exercised in this case, tend, it is believed, strongly to illustrate and explain positions which, even without such support, I cannot regard as questionable.

The third section of the fourth article of the Constitution, is in the following terms: "The Congress shall have power to *dispose* of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State." The sixth article is as follows, to wit: that "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation."

For a correct understanding of the terms used in the third section of the fourth article, above quoted, reference should be had to the history of the times in which the Constitution was formed and adopted. It was decided upon in convention on the 17th September, 1787, and by it Congress was empowered to "dispose of," etc., "the territory or other property belonging to the United States." The only territory then belonging to the United States, was that then recently ceded by the several States, to wit: by New York in 1781, by Virginia in 1784, by Massachusetts in 1785, and by South Carolina in August, 1787, only the month before the formation of the Constitution. The cession from Virginia contained the following provision:

That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of the said States, Virginia included, according to their usual respective proportions, in the general charge and expenditure. and shall be faithfully and bona fide *disposed of* for that purpose and for no other use or purpose whatsoever.

Here the object for which these lands are to be disposed of, is clearly set forth; and the power to dispose of them granted by the third section of the fourth article of the Constitution, clearly contemplates such disposition only. If such be the fact, and in my mind there can be no doubt of it, then you have again, not only no implication in favor of the contemplated grant, but the strongest authority against it.

Furthermore, this bill is in violation of the faith of the Government, pledged in the act of January 18, 1847. The nineteenth section of that act declares,

That, for the payment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands after the first day of January, 1848, first to pay the interest on all stocks issued by virtue of this act; and secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value, etc.

The debts then contracted have not been liquidated, and the language of this section, and the obligations of the United States under it, are too plain to need comment.

I have been unable to discover any distinction, on constitutional grounds, or grounds of expediency, between an appropriation of ten millions of dollars, directly from the money in the Treasury, for the object contemplated, and the appropriation of lands presented for my sanction. And yet, I cannot doubt, that if the bill proposed ten millions of dollars from the Treasury of the United States, for the support of indigent insane in the several States, that the constitutional question involved in the act would have attracted forcibly the attention of Congress.

I respectfully submit, that, in a constitutional point of view, it is wholly immaterial whether the appropriation be in money or in land.

The public domain is the common property of the Union, just as much as the surplus proceeds of that, and of duties on imports remaining unexpended in the Treasury. As such, it has been pledged, is now pledged, and may need to be so pledged again for public indebtedness.

As property, it is distinguished from actual money chiefly in this respect: that its profitable management sometimes requires that portions of it be appropriated to local objects, in the States wherein it may happen to lie, as would be done by any prudent proprietor to enhance the sale-value of his private domain. All such grants of land are, in

fact, a disposal of it for value received; but they afford no precedent, or constitutional reason, for giving away the public lands. Still less do they give sanction to appropriations for objects which have not been intrusted to the Federal Government, and therefore belong exclusively to the States.

To assume that the public lands are applicable to ordinary State objects, whether of public structures, police, charity, or expenses of State administration, would be to disregard, to the amount of the value of the public lands, all the limitations of the Constitution, and confound, to that extent, all distinctions between the rights and powers of the States, and those of the United States. For if the public lands may be applied to the support of the poor, whether sane or insane, if the disposal of them and their proceeds be not subject to the ordinary limitations of the Constitution, then Congress possesses unqualified power to provide for expenditures in the States by means of the public lands, even to the degree of defraying the salaries of Governors, judges, and all other expenses of the Government, and internal administration within the several States. The conclusion from the general survey of the whole subject is, to my mind, irresistible, and closes the question, both of right and of expediency, so far as regards the principle of the appropriation proposed in this bill. Would not the admission of such a power in Congress to dispose of the public domain, work the practical abrogation of some of the most important provisions of the Constitution? If the systematic reservation of a definite portion of the public lands (the sixteenth section) in the States, for the purpose of education, and occasional grants for similar purposes be cited as contradicting these conclusions, the answer, as it appears to me, is obvious and satisfactory. Such reservations and grants, besides being a part of the conditions on which the proprietary right of the United States is maintained, along with the eminent domain of a particular State, and by which the public land remains free from taxation in the State in which it lies, as long as it remains the property of the United States, are the acts of a mere land-owner, disposing of a small share of his property in a way to augment the value of the residue, and in this mode to encourage the early occupation of it by the industrious and intelligent pioneer.

The great example of apparent donation of lands to the States, likely to be relied upon as sustaining the principles of this bill, is the relinquishment of swamp lands to the States in which they are situated; but this, also, like other grants already referred to, was based expressly upon grounds clearly distinguishable in principle from any which can

be assumed for the bill herewith returned, viz.: upon the interest and duty of the proprietor. They were charged, and not without reason, to be a nuisance to the inhabitants of the surrounding country. The measure was predicated, not only upon the ground of the disease inflicted upon the people of the States which the United States could not justify, as a just and honest proprietor, but also upon an express limitation of the application of the proceeds, in the first instance, to purposes of levees and drains, thus protecting the health of the inhabitants, and, at the same time, enhancing the value of the remaining lands belonging to the General Government. It is not to be denied that Congress, while administering the public lands as a proprietor, within the principle distinctly announced in my annual message, may sometimes have failed to distinguish accurately between objects which are and which are not within its constitutional powers.

After the most careful examination, I find but two examples in the acts of Congress which furnish any precedent for the present bill, and those examples will, in my opinion, serve rather as a warning than as an inducement to tread in the same path.

The first is the act of March 3rd, 1819, granting a township of land to the Connecticut asylum for the education of the deaf and dumb.

The second that of April 5th, 1826, making a similar grant of land to the Kentucky asylum for teaching the deaf and dumb.

The first more than thirty years after the adoption of the Constitution, and the second more than a quarter of a century ago.

These acts were unimportant as to the amount appropriated, and, so far as I can ascertain, were passed on two grounds: first, that the object was a charitable one, and secondly, that it was national. To say that it was a charitable object, is only to say that it was an object of expenditure proper for the competent authority; but it no more tended to show that it was a proper object of expenditure by the United States than is any other purely local object appealing to the best sympathies of the human heart in any of the States. And the suggestion that a school for the mental culture of the deaf and dumb in Connecticut, or Kentucky, is a national object, only shows how loosely this expression has been used when the purpose was to procure appropriations by Congress. It is not perceived how a school of this character is otherwise national than is any establishment of religious or moral instruction. All the pursuits of industry, everything which promotes the material or intellectual well-being of the race, every ear of corn or boll of cotton which grows, is national in the same sense; for each one of these

things goes to swell the aggregate of national prosperity and happiness of the United States; but it confounds all meaning of language to say that these things are "national," as equivalent to "Federal," so as to come within any of the classes of appropriation for which Congress is authorized by the Constitution to legislate.

It is a marked point in the history of the Constitution, that when it was proposed to empower Congress to establish a university, the proposition was confined to the District intended for the future seat of Government of the United States, and that even that proposed clause was omitted in consideration of the exclusive powers conferred on Congress to legislate for the District. Could a more decisive indication of the true construction and the spirit of the Constitution in regard to all matters of this nature have been given? It proves that such objects were considered by the convention as appertaining to local legislation only, that they were not comprehended, either expressly or by implication, in the grant of general power to Congress, and that, consequently, they remained with the several States.

The general result at which I have arrived is the necessary consequence of those views of the relative rights, powers, and duties of the States and of the Federal Government which I have long entertained, and often expressed, and in reference to which my convictions do but increase in force with time and experience.

I have thus discharged the unwelcome duty of respectfully stating my objections to this bill, with which I cheerfully submit the whole subject to the wisdom of Congress.

#### 6. The Senate Debate on the Veto<sup>1</sup>

MR. BROWN: The President, in the outset of the message, admits that this is a measure of great humanity, and one which commends itself to the warmest sympathies of his heart. I am glad he said so, because I apprehend that the sentiment will find a response in the heart of every American citizen, of every friend of humanity, whether he resides north or south, east or west. The President says that eleemosynary objects or purposes are not among those which are provided for in the Constitution. So they are not in express terms; but does Congress never legislate upon any subject in regard to which it has not been expressly authorized to legislate? If not, I want to know where we get our authority to legislate for school purposes? The President makes an

<sup>1</sup> Extract from *Congressional Globe* (Thirty-third Congress, 1st sess., May 3.), pp. 1063, 1065-66, 1069.



argument to show by implication that we have the power to do that. All the grants that have been made from time to time for school purposes are sanctioned by the Constitution, according to his construction of it; and yet, sir, you may read the instrument from one end to the other, and find no specific power to make grants for school purposes. If the President will point to the clause which authorizes grants of land to colleges, I will show him the clause which authorizes the grant proposed in this bill.

But, says the President, if we legislate for the benefit of the insane, where are we to stop? Are we to carry our benevolence so far as to legislate for the protection of all other indigent or unfortunate classes? This, you will see at once, is not an argument which can touch the question of power, but it is simply an argument which reaches the question of the exercise of power. If you have authority to do this, it may follow that you have the power to do something else; but it does not follow that because you do this, you ought therefore to do something else. If you have the power to make an appropriation of land for the protection and benefit of the indigent insane, it may follow that you have the power to make an appropriation of land for the protection and benefit of the indigent who are not insane. But if you exercise the power in the one case, it does not necessarily follow that you must exercise it in the other.

The President seems to think that in this matter the States will be brought to bow to the authority of Congress. I do not think so. When my State and yours, Mr. President, (Mr. Bright occupying the chair) accepted donations of land for school purposes, for common schools, and for schools of a higher grade, did it ever enter into your head or mine that our States were thereby humiliated, and were bowing as paupers, and beggars, and mendicants, to the authority of Congress? No sir; we felt that we were receiving a part of that which belonged to us, that we were not beggars but that Congress was giving its assent to our exercising exclusive jurisdiction over a part of that which belonged to us in common with our fellow-citizens of all the States.

The President seems also to be apprehensive that if we go on legislating in this way, we shall dry up all the sources of benevolence in the States, and that the people of the States, instead of taking care of their indigent insane, their poor, their blind, and their lame, will habitually look to Congress for the protection of those classes. I think not. With as much justice might you say that, if you receive land from the Government for the education, in part, of your children, this will induce the States to look to Congress for the means of educating all the children.

Did it ever enter into your mind, sir, when Congress granted your State the sixteenth section of land in each township for school purposes, that, by the State accepting it, you were in danger of becoming mendicants, begging Congress to make appropriations for the education of all the children in your State? I apprehend there is no more danger of our becoming beggars at the footstool of Congress for the support of our indigent insane, our indigent blind, and our poor of every class, if we accept a grant like this, than there has been that we should become beggars of Congress to educate all our children, because, in days gone by, we accepted aid from Congress to educate a part of them. . . .

MR. DIXON: I am no latitudinarian in the construction of the Federal Constitution, and perhaps would go as far as any Senator on this floor in maintaining the constitutional rights of the States, and of keeping separate and apart the powers which properly belong to the Federal Government and those justly appertaining to the States. But I cannot understand how it is that, if the Federal Government can exercise the constitutional power of making a grant of lands for one benevolent object, it may not do it for another. It has appropriated lands for roads and canals; it has donated, in effect, a large amount of the public lands to assist a State in paying off her public debt; it has appropriated lands to educational purposes in the States in which the lands lie; it has given them to States within which they do not lie for similar purposes; it has appropriated large sums of money to the building of marine hospitals in different States, to minister to the wants and comforts of the unfortunate and wretched class of citizens described in the different acts making the appropriations. It has given, time and again, large sums of money, and large portions of the public lands, for other purposes—some benevolent and some speculative, and all without any express grant of power under the Federal Constitution; and now, when we are about to vote away thousands and thousands of acres of the public domain to all such as may settle on them, whether they be citizens or foreigners, we are gravely told by the President that a grant, by Congress, of a portion of this same public domain, for an object the most humane and the most benevolent, and which appeals most strongly to the sympathies of every heart capable of feeling for the misfortunes of the most unhappy of mankind, is interdicted by the spirit of the Constitution, and a violation of the rights and an encroachment on the sovereignty of the States. . . .

MR. BELL: I do not mean to cite the occasional appropriations which have been heretofore made of the public lands with a view to rely upon them; such, for example, as the township of land to Connecti-

cut to found an institution for the instruction of the deaf and dumb in 1819,—and a similar appropriation to Kentucky at a subsequent period in 1826. Take out all these occasional appropriations, exclude them entirely from the argument, throw them aside as being irregular, and what do we find? I may say here, in passing, that such appropriations as these constitute a very small, and almost invisible fraction of the enormous amount of the public land which has been appropriated. I have not examined the reports or public documents from the Departments in relation to the subject, but I know it is said that a hundred millions of acres of the public lands have heretofore been appropriated—not sold, and the money paid into the Treasury; but this large quantity of land has been given to the States in which the lands lie for the purposes of education, and for the purpose of aiding them in the construction of works of internal improvement. It was only a few years ago, as you know, sir, that we appropriated seven hundred and fifty thousand acres of land, with scarcely any debate or controversy in the Senate, for the construction of a canal around the falls at the Sault St. Mary—to overcome obstructions in the straits, between Lake Huron and Lake Superior.

The great mass of these appropriations has been for the support of internal improvements, and for laying the foundations of a system of schools and education in the new States. Then again they have received large grants of swamp lands; but take them out of view, regard them as not constituting one of the items about which the old States should complain; suppose they should amount to twenty or thirty millions of acres, still there would remain sixty or seventy-five millions of acres which have been voted away for the general purposes which I have enumerated—for internal improvements and educational purposes in the new States.

I say, that taking out of the calculation altogether the swamp lands, and the Connecticut appropriation in 1819, and the Kentucky appropriation in 1826, and similar appropriations, there still remain sixty or seventy millions of acres which it is contended have been improperly appropriated. This is the great national fund, as I understand, which gentlemen say has been wasted. The Senator from Georgia said this message is an attempt to ingraft a new principle upon which these public lands are hereafter to be appropriated, and it is therefore that he urges and others urge that a pause in the legislation of the country is to be made, and that we are at liberty now to consider whether we will not reform the practice of the Government, and its former course in relation to the public lands.

PART II  
THE PERIOD 1863-1917



## INTRODUCTORY NOTE TO PART II

It became evident from President Pierce's veto in 1854 that the work in the philanthropic field was to be done by the states, not by the federal government, and the establishment of a central state supervisory authority was anticipated before the passage of the Massachusetts Act of 1863. The prison inspectors of New York, although holding a constitutional office, were required to organize as a board;<sup>1</sup> the New York State Board of Emigration Commissioners has been described as a true welfare authority,<sup>2</sup> and the need of supervision of the various state charitable institutions was urged both in Massachusetts and in New York.

However, the Massachusetts act was followed only slowly by other states. Not until 1867 did Ohio and New York, the next states to create boards, take action. They were followed in 1869 by Illinois, North Carolina, Pennsylvania, and Rhode Island; in 1871 by Wisconsin and Michigan; and in 1873 by Kansas and Connecticut.

It will be noticed that, in these first statutes, provision was made for a continuous, lay, unpaid board, generally supervisory in character, with some administrative duties, but, except in the case of Rhode Island, not given direct responsibility for the conduct of the institutions whose boards of trustees in general remained, as before, accountable for the selection of the staffs, the framing of policy, and the expenditure of public funds.

This form of organization, the continuous, unsalaried board composed of members whose terms expired at different times so that theoretically, the membership was never renewed all at once, was supposed to supply both stability and continuity and that opportunity for deliberation and discussion necessary when powers so nearly legislative in character in the outlining of policy, possibly the drafting of rules and regulations, representing the interests of the state as a whole, were to be exercised.

<sup>1</sup> See above, Part I, Sec. II, Document 12.

<sup>2</sup> See Edith Abbott, *Proceedings of the National Conference of Social Work at the Forty-ninth Annual Session, Held in Providence*, p. 463. For documents illustrating the work of this earliest public-welfare commission see the preceding volume in the "Social Service Series," Edith Abbott, *Immigration: Select Documents and Case Records* (Chicago, 1924), pp. 42, 140, 144, 164, 172, 177, 182.

The continuous board was also supposed to safeguard the institution when the trustees of an institution are under consideration or the central board, when that is being considered, from partisan interference. Little information has been assembled as to the extent to which these boards have been free from partisan manipulation so far as personnel is concerned. The discussion in the reports and at the National Conference of Charities and Correction, now the National Conference of Social Work, contain many references to the baleful influence of partisanship on the actual administration, and a later section<sup>1</sup> is devoted to that subject. An examination of the history of the membership either of the boards of trustees or of the state boards of charities and correction will probably bear out the statement that the method of overlapping terms, that is, of the continuous board, will, in the absence of any political crisis, serve the purpose of securing continuity; but, in a time of political excitement, no administrative device can protect the service from partisan interference.<sup>2</sup>

Another question to which attention should perhaps have been called at an earlier point is that of classifying the welfare organization with those divisions of the government that are recognized or prescribed or regulated by the constitution. That is, should the welfare authority be regulated by the constitution or should the legislature be left free to abolish or to alter it. In the Constitutional Convention of New York of 1867, there was a Committee on Charities and Charitable Institutions. This Committee handed in both a majority and a minority report. Both reports recommended the adoption of an article providing for a Board of Commissioners of Charities, very much after the terms of the act already passed by the legislature of that year.<sup>3</sup> The difference between the two reports had to do largely with the degree to which the constitution should restrict the legislature, and especially with the recommendation prohibiting public aid to sectarian institutions.<sup>4</sup> In the Constitution of 1894 in New York there was inserted an article (Art. VIII) providing for a State Board of Charities and for a Commission in Lunacy;<sup>5</sup> and in an amendment to the constitution adopted in 1925 the reorganization of the state government is authorized, and the Board of Control and Departments of Charities,

<sup>1</sup> Section IV.

<sup>2</sup> See below, p. 293.

<sup>3</sup> See below, Sec. I, Document 6.

<sup>4</sup> New York State Constitutional Convention, 1867-68, *Documents of the Convention*, Vol. IV, No. 105, "Minority Report of Mr. Livingston from the Committee on Charities and Charitable Institutions."

<sup>5</sup> Part II, Sec. II, Document 22.

Mental Diseases, and Correction are enumerated. In a number of states,<sup>1</sup> however, the constitutional provision stands clearly in the way of reorganization, and since the number of unsettled questions in this field is very great, it is highly important that the legislature be left free to readjust the administrative divisions in accordance with the dictates of increasing experience. The subject was put as follows by Mr. Homer Folks, at the time when the New York Constitution was being reconsidered in 1915:

The ever recurring question in relation to constitutional provision is, what shall be put into the constitution and what shall be left to the legislature? This involves the question as to whether, on the whole, state administration tends to be too flexible or too inflexible. Things put into the constitution become inflexible. A close study of the operation of certain administrative agencies of the state for a period of over twenty years leads me to feel that the greater danger is that of inflexibility, inelasticity and tradition, rather than their opposites. Although the legislature at any time during the past twenty years could have reorganized the state commission in lunacy or the state board of charities, changing them from a paid to an unpaid body or from a small board to a large board, it has not done so in either case. Both these organs of government, in fact, have had a continuous history since their original establishment. In general, therefore, I should be inclined to say, whenever in doubt as to the wisdom of making a given matter permanent, leave it to the legislature.<sup>2</sup>

In the first three sections, then, of Part II an attempt is made to set out the following subjects: (1) the organization, structure, powers, and duties of the central boards that were created during the period 1863-73; (2) the response by the boards to the situation as they found it, their analysis of the problem, and their experience in attempting to set up supervisory relationships with the institutions; and (3) the development in which two issues were involved: (a) the relative value of a large number of unpaid part-time officials as compared with that of a small number of full-time salaried officials and (b) the place of supervision in the scheme when that supervision is intended rather for purposes of general reassurance to the public than as a device in efficient administration.

But there are other questions of importance from the point of view

<sup>1</sup> For example, the reorganization attempted in 1921 in Nebraska (*Compiled Statutes*, 10,22, p. 2240) could be only partial, since certain officers were named in the Constitution, Art. IV, Sec. 10.

<sup>2</sup> "Folks, Charitable and Correctional Institutions and Public Health," *Proceedings of the Academy of Political Science in the City of New York*, V (1914-15), 447.



of the later development. The first is that of honest and capable administration, which is discussed here under the subject of public purchasing, and of the effort to distinguish true from false economy. There are also problems of the civil service and classification of the public personnel. Such subjects may seem to belong to the general field of competent government rather than particularly to that of public welfare. However, the proportion of the state's expenditures devoted to these objects was so great and the public officials and public employees making up the staff of these institutions<sup>1</sup> were relatively so numerous that the discussion of these matters cannot be separated from the general problem of charitable organization. One section is, therefore, devoted to partisan interference;<sup>2</sup> one to the attempted classification of the public organization;<sup>3</sup> and one to purchasing, efficiency, and economy.<sup>4</sup>

Attention should also be given to the method of treatment applicable to each group of wards under the care of the state. While, as has been pointed out, it is obviously impossible both to discuss at length the principles of sound public organization and to set out in full the recognized practice in dealing with each of these groups, it is also obvious that such material as is supplied by these documents must be examined in the light of sound methods of treatment in each field of interest. And on the views held with reference to those questions of method will perhaps depend the view held as to the appropriate scope or range of authority to be exercised by the public agency whose power and duties are being examined. With reference to the range of authority, for example, attention may be called to the fact that within the scope of the Massachusetts board's authority were at first included the prisons (i.e., corrections), the state almshouses (the destitute), the hospitals for the insane (mental diseases), the care of dependent children, and the reception of aliens into the commonwealth.

To the Ohio board was given the whole system of public charitable and correctional institutions of the state.<sup>5</sup>

To the New York and Illinois boards were assigned all charitable

<sup>1</sup> The related fields of education and health developed no such costly state agencies. Moreover, the education and medical care of the destitute were often classed under charity rather than under education or health.

<sup>2</sup> Section IV.

<sup>3</sup> Section V.

<sup>4</sup> Section VI.

<sup>5</sup> So with North Carolina, Pennsylvania, Rhode Island, Wisconsin, Michigan, Connecticut, and Kansas.

and correctional institutions, excepting the state prisons receiving state aid, and county and city almshouses.

On this subject of the range of authority, with reference to the groups of persons to be cared for, there has been and still is great divergence of opinion. This is illustrated by the statutory changes that have, for example, been brought about in Massachusetts. There the following authorities have been created since the Act of 1863 providing for the Board of State Charities: in 1869 a State Board of Health was created;<sup>1</sup> in 1879 the State Board of Health was merged with the State Board of Charities to make the Board of Health, Lunacy, and Charity;<sup>2</sup> in 1879 a separate Prison Commission was established;<sup>3</sup> in 1886 a Board of Health was re-established and a separate Board of Lunacy and Charity created;<sup>4</sup> in 1898 the Board of Insanity was made a separate authority.<sup>5</sup> It will appear below<sup>6</sup> that in 1919, when the state government was departmentalized, there were set up departments of health, corrections, mental diseases, and public welfare.

In New York, the state board never had the prisons under its jurisdiction and was soon deprived of responsibility for certain aspects of the lunacy problem. In Illinois, the destitute, deaf, blind, insane, and feeble-minded were from the beginning under the state board, and, in 1917, the correctional institutions were placed in the same department. It is to be noted that this step was not one recommended by the Committee on Efficiency and Economy and was in 1914 said by Mr. Homer Folks to be against the general consensus of opinion in populous states. Mr. Folks said:

Perhaps some may wish to raise the question as to whether there should continue to be the three separate bodies. If so, we shall find that the trend of experience in the more populous states is strongly in favor of such division. The enormous task devolving upon each of these three bodies and the sharp differences between the main features of their work would seem to be practically conclusive in favor of the continuance of three separate boards for these three distinct purposes, rather than the merging of their duties into one enormous agency.<sup>7</sup>

<sup>1</sup> Attention has been called to the creation in 1851 of the Board of Alien Commissioners. There had been since 1837 a State Board of Education.

<sup>2</sup> *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1870*, chap. 291.

<sup>3</sup> *Ibid.* (1879), chap. 294.

<sup>5</sup> *Ibid.* (1898), chap. 433.

<sup>4</sup> *Ibid.* (1886), chap. 101.

<sup>6</sup> See below, Part III, Sec. I, Document 6.

<sup>7</sup> "Charitable and Correctional Institutions and Public Health," *Proceedings of the Academy of Political Science in the City of New York*, V (1914-15), 439.

Another question to which frequent reference must be made has to do with the nature of the authority that should be set up—whether visitorial, inspectorial, and generally supervisory, or an agency of control with power of immediate administration. To this subject considerable space is devoted in the following pages.

The helplessness and inarticulate character of many of the patients in the institutions, the relatively large sums of money spent in comparison with other items in the state budget,<sup>1</sup> the innumerable opportunities for petty graft and for the influence of partisan political motives to prevail, all indicated the necessity of resorting to every known method for removing these agencies and institutions as much as possible from the ordinary political practices. The relative uncertainty with reference to much of the work, the pioneer character of many of the undertakings, and the lack of popular understanding and public knowledge—these were among the reasons for the vehement, almost militant, opposition on the part of some of the leaders to any step looking toward direct control and administration of the institutions by the central board. The persistent demand that a central supervisory authority should be provided for, even when a single administrative agency had been developed in place of the various boards of trustees of institutions, was grounded in the belief that honest, efficient, skilled, unselfish service for these wards of the state could be assured only on the basis of understanding and consent and never as the result of compulsion.<sup>2</sup>

The tendency toward increase in the power of these boards was, however, inevitable. The motive may sometimes have been political and selfish, but the argument from increased efficiency and direct responsibility, even if possibly specious,<sup>3</sup> was convincing.

Before calling attention, however, more at length to the question of the power conferred on these boards, attention should be directed to the composition of these early boards. In the number of members they varied. The Michigan and Kansas boards had three members. Those of Massachusetts, Ohio, North Carolina, Illinois, Pennsylvania, and Connecticut had five each. That of Rhode Island was six, and of New York eight in number. More often the members were appointed by governor and Senate (Massachusetts, New York, Illinois, Michigan, Pennsylvania, Kansas, Rhode Island), but Wisconsin and Ohio left the selection to the governor and North Carolina to the legislature.

<sup>1</sup> See Sec. II, Document 2.

<sup>2</sup> See Sec. III, Documents 3 and 8.

<sup>3</sup> See Sec. III, Documents 2 and 5.

As to the qualifications of members, in New York and Rhode Island each member represented a political unit; in New York, a judicial district; in Rhode Island, a county. Connecticut required the presence of two "ladies" with the three "gentlemen" on the board. Generally there was no specific qualification required, and the nomination was in the governor's discretion.

The name of the authority varied so that no name was adopted by more than two states. In Massachusetts and Ohio the authority was called the Board of State Charities; in North Carolina and Pennsylvania it was the Board of Public Charities; and the words "public charities" were in the names of the New York (State Commissioners) and Illinois (Board of Commissioners of) authorities. Rhode Island alone of these states used the word "corrections," while Wisconsin had the idea of "reform" (State Board of Charities and Reform); and Michigan spelled the whole purpose out in the title, Board of State Commissioners for the Supervision of Charitable, Penal, Pauper, and Reformatory Institutions.

Provision was expressly made in some cases for the appointment of an executive officer—a secretary, and in some cases, for another official. In Massachusetts, for example, the "visiting agent" succeeded to the power of the Alien Commissioners. In other cases, the power to set up a visiting or clerical staff was interpreted as incidental to the performance of the duties imposed by the act.

These officials were selected in various ways. In Massachusetts they were appointed in the same way in which the members of the board were appointed, i.e., by the governor and Senate. In New York, Illinois, Pennsylvania, Wisconsin, Rhode Island, and Michigan, the board was authorized to appoint such an officer; while in Ohio, North Carolina, Connecticut, and Kansas, the power to appoint was implicit in the requirements that the board should visit institutions and report on their observations and their suggestions.

In all these states, and in general, the boards were unpaid boards, being reimbursed for actual expenditures.

The powers granted were, except for Rhode Island, those of visitation and supervision. The members were under a duty to obtain information and therefore had the right to enter, to examine books and papers, to receive complaints, to suggest modifications, and to report to the governor or to the legislature.

In addition to these duties there were sometimes certain administrative functions, such as that of admitting or of transferring patients,

as in Massachusetts; and, in the case of Rhode Island, of administering the institutions.

It is not possible because of lack of space to review the history of all the state boards, as their powers have developed from those of supervision to those of control and administration. The successive statutes as they were enacted are given for only one state, Massachusetts; but summaries of the successive statutes in New York and one or two others are given in footnotes in order that a clearer notion of the development may be had. There is likewise given below a summary of the statutes as they had been enacted in the different states in 1913<sup>1</sup> and in 1923.<sup>2</sup>

It remains to note one or two other points to which attention should be called. One is suggested by the documents in Section VII—namely, the result of a difference of opinion and of policy when the authorities in two states are concerned. Obviously, since there is no superauthority, either there is an *impasse* or agreement must be reached by consent. There is also the question of the relation between the central authority and the local jurisdiction, the county, the town, or the city, or between the central authority and the private charitable agency, especially one that receives public money. For various reasons, which will be discussed at greater length in another place, it appears that the interrelations between the central authority and the state institutions could develop more simply and rapidly than those between the central board and the local authorities. It will appear, in fact, that except so far as the local authority has been gradually deprived of functions for which it had previously been responsible little change has occurred in the situation until a very recent date. During the past ten or fifteen years, great energy has in a number of places gone into the development of county welfare work, especially in the fields of health and of child welfare. Because of its recent development discussion of these subjects is postponed to Part III.<sup>3</sup>

<sup>1</sup> Taken from U.S. Bureau of the Census, *Summary of State Laws Relating to the Dependent Classes*. See Part II, Sec. I, Introductory Note, p. 245.

<sup>2</sup> Compiled from the session laws of the various states. See Part III, Sec. I, Introductory Note, p. 557.

<sup>3</sup> See Part III, Sec. II.

## SECTION I

### INTRODUCTORY NOTE

The documents in this section relate to the statutes of those states in which central authorities were created during the decade 1863-73. A considerable body of fact with reference to their character, organization, and powers has been stated in the note introducing this Part as a whole. A few further considerations will facilitate the work of the student in examining the documents in this section.

It will be observed that the notes accompanying the statutes attempt to summarize the changes in the structure of the authority at first set up. It may not be out of place to call attention here to the great difficulty in tracing the sequence of events in the various jurisdictions and to point out what an enormous gain could be experienced by the creation of some national agency equipped to collect, organize, and publish the reports from the welfare authorities in the different states. In order to have accurate information as to the actual development it is necessary to examine (1) the statutes dealing with the authority including the appropriations made for its support, (2) the action of the appointing power, (3) the proceedings of the board, (4) the actual organization of the staff, (5) the response of the institutions, and (6) the methods used by the authority to secure its ends. With these questions in mind, the statutes cited in this section become illuminating and suggestive. They are, however, obviously incomplete until examined in the light of Sections II and III. However, attention may be called to the fact that the movement toward the establishment of these authorities while not swift was steady, and, in 1913, when the United States Census summarized the state laws dealing with the dependent classes, there were only ten states which had not created a central authority.<sup>1</sup> Of the thirty-eight which had passed laws, two<sup>2</sup> had single-headed

<sup>1</sup> These were Alabama, Delaware, Georgia, Idaho, Mississippi, Nevada, New Mexico, South Carolina, Texas, and Utah. Delaware had a Tuberculosis and a Blind Commission, and Texas had a State Bureau of Child and Animal Protection.

<sup>2</sup> Oklahoma provided in its constitution for a commissioner of state charities; New Jersey had a commissioner of charities and correction. Alabama had an inspector of jails, almshouses, and cotton mills; and Kentucky had an inspector of institutions in addition to a state board, so are not counted here.

authorities; and thirty-six had boards varying in number from three to twelve. Of these, twenty-one were supervisory in character and with one exception bore a name indicating the charitable scope of their work.<sup>1</sup> Nine<sup>2</sup> had boards of control, and in six<sup>3</sup> there had been adopted the plan of two boards, one salaried and executive, known generally as the Board of Administration, and the other unsalaried and supervisory, known generally as a Charities Commission.

In the following section, then, the statutes suggest the various aspects of the problem which still presents itself in some parts of the country. Just what is the scope of the work assigned to the authority, as to the groups and classes of persons cared for, varies from state to state and from period to period. Obviously both before and after the creation of the special authority, the governor remains the executive head, responsible for the administration of the laws. The report of the governor of Rhode Island just at the time at which the legislature was setting up the new board<sup>4</sup> illustrates the possibility of a comprehensive view of the situation through his annual message. It will be brought out at a later point that the resumption by the governor of these responsibilities is not yet beyond the range of possibility.<sup>5</sup> In these early acts, the interesting points are (1) the scope of the work, (2) the extent to which administrative duties were assigned, (3) the degree to which the element of control entered in, as for example, when the New York statute<sup>6</sup> prescribed a penalty in case officials of institutions refused to give the information requested.

<sup>1</sup> Arkansas, Colorado, Connecticut, Florida (Board of commissioners state institutions); Indiana, Louisiana, Maine, Maryland (state aid and charities); Massachusetts, Michigan, Missouri, Montana (charities and reform); New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, Wyoming.

<sup>2</sup> Arizona, Iowa, Kansas, Kentucky, New Hampshire, North Dakota, Washington, West Virginia, and Wisconsin.

<sup>3</sup> California, Illinois, Minnesota, Nebraska, Ohio, and Vermont.

<sup>4</sup> Sec. II, Document 9.

<sup>5</sup> See pp. 502 and 505.

<sup>6</sup> Sec. I, Document 6, A, par. 4.

## THE CREATION OF STATE BOARDS OF STATE CHARITIES

### 1. The Massachusetts Board of State Charities<sup>1</sup>

SECTION 1. The governor, with the advice and consent of the council, shall appoint five persons, who, together with the general agent and secretary hereinafter mentioned, shall constitute the board of state charities. One of the persons so appointed shall hold office for one year; one of them for two years and one for three years; one for four years and one for five years, unless sooner removed. Appointments to fill vacancies, caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms by the governor and council; and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner.

SEC. 2. The governor, with the advice and consent of the council, shall appoint some suitable person as general agent of state charities, who shall hold his office for three years, unless sooner removed. He shall be a member of the board of state charities, *ex officio*, and shall, subject to the control and direction of the said board, oversee and conduct its out-door business, especially the examination of paupers and lunatics, to ascertain their places of settlement and means of support, or who may be responsible therefor; the removal of paupers and lunatics to their usual homes; the prosecution of cases of settlement and bastardy; the collection of emigrant head-money and the bonding of suspicious persons, and all and singular the duties now devolved by law upon the superintendent of alien passengers<sup>2</sup> for the city of Boston.

SEC. 3. The governor, with the advice and consent of the council, shall appoint some suitable person to be secretary of the board of state charities. He shall hold his office three years, unless sooner removed. He shall keep an accurate record of the proceedings of the board and shall perform such clerical service as they may require. He shall, under the direction and control of the board, examine the returns of the sev-

<sup>1</sup> "An Act in Relation to State Charitable and Correctional Institutions, April 20, 1863," *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1863*, chap. 240.

<sup>2</sup> [See above, Part I, Sec. 11, Documents 13 and 14.]



eral cities and towns in relation to the support of paupers therein, and in relation to births, deaths and marriages, and he shall prepare a series of interrogatories to the several institutions of charity, reform and correction, supported wholly or in part by the Commonwealth, or the several counties thereof, with a view to illustrate in his annual report the causes and best treatment of pauperism, crime, disease and insanity. He shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth, bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose such general investigations as may be approved by the board. He shall be paid, annually, the sum of two thousand dollars and his actual traveling expenses.

SEC. 4. The board of state charities shall be provided with suitable rooms in the state house. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate and supervise the whole system of the public charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall have full power to transfer pauper inmates from one charitable institution or lunatic hospital to another, and for this purpose to grant admittances and discharges to such pauper inmates, but shall have no power to make purchases for the various institutions. They shall receive no compensation for their services except their actual traveling expenses, which shall be allowed and paid.

SEC. 5. The board of state charities shall annually prepare and print for the use of the legislature a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the state institutions under their control, with such suggestions as they deem necessary and pertinent.

SEC. 6. The board of commissioners in relation to alien passengers and state paupers, and the office of superintendent of alien passengers in the city of Boston are hereby abolished, and the duties now required by law to be performed by the incumbents of said offices shall be performed by the secretary and general agent herein provided for, subject

to the control and direction of the board of state charities. No compensation shall be allowed for this service except actual traveling expenses.

SEC. 7. The general agent shall be paid annually the sum of two thousand dollars in full for all his services, and his actual traveling expenses. The general agent and secretary, subject to the approval of the board, may employ such assistants, and incur such expenses as they may deem necessary, within the limits of the annual appropriations; and the balance of appropriations already made for the alien commissioners and the superintendent of alien passengers, remaining unexpended on the first day of October, eighteen hundred and sixty-three, shall be held subject to the requirements of the board.

SEC. 8. The secretary and general agent shall respectively give bond to the treasurer of the Commonwealth, with sufficient sureties, for the faithful performance of their duties, in such sums as may be required in their commissions.

SEC. 9. The expenses of the lunatic hospitals for the support of lunatics not having known settlements in this state committed thereto, shall be paid by the Commonwealth at the same rates charged for other lunatics residing therein, not exceeding two dollars and twenty-five cents a week for each lunatic.

## 2. Health, Lunacy, and Charity<sup>1</sup>

SECTION 1. The state board of health, the board of state charities, the boards of trustees of the state reform school and the state industrial school, the boards of inspectors of the state primary school, the state almshouse, and the state workhouse, the advisory boards of women to the inspectors of the state almshouse and of the state primary school, and to the trustees of the state reform school, and the visiting agency created by chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy, are hereby abolished.

SEC. 2. The governor, with the advice and consent of the council, shall appoint nine persons, who shall constitute a state board of health, lunacy and charity. They shall hold their offices for five years: *Provided*, That the terms of office of the nine first appointed shall be so arranged that the term of one shall expire in five years, and the terms of two in four, three, two years, and one year respectively; and the va-

<sup>1</sup> "An Act to Create a State Board of Health, Lunacy and Charity, April 30, 1879," *Acts and Resolves Passed by the General Court of Massachusetts in the Year* 9, chap. 291.

cancies so created, as well as all vacancies occurring otherwise shall be filled by appointment or re-appointment by the governor and council.

SEC. 3. The board shall have all the powers and duties and may exercise all the functions of the boards abolished by section one hereof, and of all their bureaus and agents, including the agency thereby abolished, except as hereinafter provided; and said board may assign any of its powers and duties to agents appointed for the purpose, and may execute any of its functions by such agents, or by committees appointed from and by said board.

SEC. 4. Said board shall have general supervision over all the state, charitable and reformatory institutions mentioned herein, including the state lunatic hospitals, the state almshouse, the state workhouse, the state primary school, the state reform school, and the state industrial school for girls. And said board may, when directed by the governor, assume and exercise the powers of the boards of trustees of said institutions, in any matter relating to the management thereof, excepting the trusts herein mentioned.

SEC. 5. Said board shall act as commissioners of lunacy with power to investigate the question of the insanity and condition of any person committed to any lunatic hospital or asylum, public or private, or restrained of his liberty by reason of alleged insanity, at any place within this Commonwealth; and shall discharge any person, so committed or restrained, if in their opinion such person is not insane, or can be cared for after such discharge, without danger to others, and with benefit to such person. And the members of said board, in person or by agents, shall visit and inspect every private asylum or receptacle for the insane within the Commonwealth, at least once in every six months. . . .

SEC. 7. Said board, with the consent of the governor, shall appoint such officers as are necessary, and fix their compensation, within the limits of the annual appropriation. Said board shall be provided with rooms at the state house, and shall hold meetings each month on a day fixed by said board, and at such other times as may be needful. The board shall make its own by-laws, and shall make a report of its doings to the governor and council, on or before the thirty-first day of December in each year, such report being made up to the thirtieth day of September inclusive. It shall embody in its report a properly classified and tabulated statement of the receipts and expenses of said board and of each of the several institutions named in this act for the said year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, with its opinion as to the necessity or

expediency of appropriations in accordance with said estimates; but this provision shall not apply to estimates for the ordinary expenses of lunatic hospitals. Said report shall also present a concise review of the work of the several institutions herein named for the year preceding, with such suggestions and recommendations as to said institutions, and the charitable, reformatory, and health interests of the state, as may be deemed expedient. The members of said board and the members of the boards of trustees of the state institutions herein named shall receive no compensation for their services; but their travelling and other necessary expenses shall be allowed and paid; and no person employed by the board shall be a member thereof.

SEC. 8. The governor, with the advice and consent of the council, shall appoint a board of seven trustees, two of whom shall be women, who shall have charge of the government of the state reform school at Westborough, the state industrial school for girls at Lancaster, and the state primary school at Monson; and shall be known as the Trustees of the State Primary and Reform Schools. They shall hold office five years: *Provided*, That the terms of the seven first appointed shall be so arranged that the term of two shall expire in one year, two in two years, one in three years, one in four years and one in five years; and the vacancies so arising, as well as vacancies otherwise occurring, shall be filled by appointment or re-appointment by the governor and council. And no person employed by the board and receiving compensation shall be a member thereof. Said board of trustees shall be a corporation, for the purpose of taking, holding, and investing, to themselves and their successors, in trust for the Commonwealth, any grant or devise of lands, and any gift or bequest of money or other personal property, made for the use of the institutions of which they are trustees, or either of them; and they shall succeed to the trusts and powers heretofore held or acquired by the boards of trustees, and the treasurers of the state reform and the state industrial schools, and said board of trustees shall have the powers and perform the duties of the trustees and inspectors of the institutions named in this section, except as otherwise provided in this act.

SEC. 9. The governor, with the advice and consent of the council, shall appoint five persons, including two women, who shall be known as the Board of Trustees of the State Almshouse, and who shall have the powers and perform the duties now had and performed by the inspectors of said almshouse. They shall hold office for three years; but of the first appointed, two shall hold office for three years, two for two

years and one for one year; and all vacancies so occurring as well as vacancies otherwise arising shall be filled as above by appointment or re-appointment. And a like board of five shall be appointed and commissioned as above, and shall be known as the Board of Trustees of the State Workhouse, and shall have all the powers, and perform all the duties now had and performed by the inspectors of said workhouse, and make all rules and regulations for the government of the same. And no person employed by either board shall be a member thereof.

SEC. 10. The superintendents and physicians of all the state institutions herein named, except the lunatic hospitals, shall be elected annually and their compensation fixed by the board of trustees having charge of each institution respectively, said compensation having first been approved by the governor and council; and the other officers shall hereafter be appointed, and their compensation fixed by the superintendents with the approval of the trustees: *Provided*, That the amount paid for such salaries shall not exceed in the aggregate the sum appropriated by the legislature for the purpose. The officers of the state lunatic hospitals shall be appointed and paid as they now are.

SEC. 11. All laws applying to the boards, bureaus and agencies hereby abolished shall apply to the board created by section two of this act. All acts and parts of acts inconsistent herewith are hereby repealed.

### 3. A Prison Commission<sup>1</sup>

SECTION 1. The governor, with the advice and consent of the council, shall, as soon as may be after the passage of this act, appoint five commissioners of prisons, two of whom shall be women, whose terms of office shall expire as provided in this section. On the first Wednesday of July in each year, the term of office of the senior member of the board, as they stand arranged in the list of their appointments, shall terminate, and the name of the person appointed to fill the vacancy shall be placed at the bottom of the list; and other vacancies may at any time be filled, and the name of the person appointed substituted in the list for the remainder of the vacant term. No member of the board of commissioners of prisons shall receive any compensation; but the actual personal expenses of any member while engaged in official duties

<sup>1</sup> Extract from "An Act to Establish a Board of Commissioners of Prisons, April 30, 1879," *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1879*, chap. 294.

shall be allowed and paid. No member of the board of commissioners of prisons shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale, made on account of any prison in the Commonwealth.

SEC. 2. The commissioners of prisons shall elect a secretary, who shall be their executive officer, and shall hold his office during their pleasure. He shall perform or superintend the work prescribed in this act, and such other duties as the commissioners may require. He shall receive from the treasury an annual salary, payable in the manner prescribed by law, of two thousand dollars, and his necessary expenses incurred in the performance of his official duties. The secretary of said board shall not be *ex officio* a member thereof, but the board may, whenever they deem it necessary, elect one of their members secretary *pro tempore*, who may in the absence of the secretary perform the duties of that officer.

SEC. 3. The commissioners of prisons shall, as far as practicable, classify all prisoners held under sentence in all the jails and houses of correction in the state, or that may be committed thereto at any time hereafter, having reference to sex, age, character, condition, and offences and in such a manner as to promote the reformation, safe custody, and economy of support, of the prisoners, and the separation of male and female prisoners; and for this purpose may remove prisoners from one jail to another jail in the same or in any other county, and from one house of correction to another in the same or in any other county; and the said prisoners shall serve the remainder of their terms of sentence in the prisons to which they shall be so removed from time to time.

SEC. 4. The commissioners of prisons may remove from time to time female prisoners held under sentence in any jail or house of correction in the Commonwealth, the work-house at Bridgewater, or in the house of industry at Deer Island, to the reformatory prison for women, or therefrom to any of the aforesaid institutions, where the said prisoners shall serve the remainder of their terms of sentence.

SEC. 5. Upon the application of the county commissioners of any county, the commissioners of prisons may cause any person confined in any house of correction under sentence imposed for any offence mentioned in section twenty-eight<sup>1</sup> of chapter one hundred and sixty-five

<sup>1</sup> [These sections have to do with rogues, vagabonds and other idle and dissolute persons and other misdemeanants of that general character who go about begging, etc., and provide for commitment of such to the work-house.]

of the General Statutes, and chapter two hundred and thirty-five of the acts of the year eighteen hundred and sixty-six, to be transferred with the mittimus to the state work-house, there to be kept during the remainder of the sentence in the same manner as if such person had been originally committed thereto; and the transfer shall be made in the manner prescribed in sections seven, eight, and nine of this act. The commissioners of prisons shall have the same power to discharge any persons so removed as is now vested in the county commissioners.

SEC. 6. The county from which any person is removed under the provisions of section five of this act shall pay for his support such sum per week as may be fixed by the board of state charities, and all moneys so received shall be paid into the state treasury in the manner now provided by law.

SEC. 7. Any officer authorized to serve criminal processes in the county from which a prisoner is sentenced or removed under the provisions of this act may serve the process by which such prisoner is committed or removed to any other county, or to the reformatory prison for women, or to the state work-house.

SEC. 8. All the costs and expenses of the commitment and removal of any prisoner under this act shall be paid by the county from which such prisoner is removed, and shall be taxed and allowed in the same manner as other criminal costs are now taxed and allowed. . . .

SEC. 10. The commissioners of prisons shall from time to time prepare rules and regulations, consistent with the laws of the state, for the direction of the officers of each of the jails or houses of correction in discharge of their duty, the government, employment, and discipline of the convicts, and the custody and preservation of the public property; and they shall cause authentic copies thereof to be laid before the governor and council, who may approve, annul, or modify the same. All jailers of jails, masters or keepers of houses of correction, county commissioners, and the directors of public institutions in the city of Boston, shall continue to have and exercise the same powers and duties in reference to said jails and houses of correction that they now have, except so far as is otherwise provided in this act; but they shall not make any rules and regulations inconsistent with the rules and regulations established by the commissioners of prisons under this act.

SEC. 11. The commissioners of prisons, or one of them, shall visit all the jails and houses of correction in the state once in six months, and oftener if they see fit, for the purpose of inspecting the books and all the concerns of said jails and houses of correction, and ascertaining

whether the laws, rules, or regulations are duly observed, the officers competent and faithful, and the convicts properly governed and employed; and for this purpose shall have all the powers in respect to such jails and houses of correction that the county commissioners or the directors for public institutions in the city of Boston now have as inspectors of prisons in their several counties.

SEC. 12. The commissioners of prisons shall have the general supervision of the state prison and of the reformatory prison for women, and shall make all necessary rules and regulations, consistent with the laws of the Commonwealth, for the government and direction of the officers of the said prisons in the discharge of their duties, the government, employment, discipline, and instruction of the convicts therein, and the custody and preservation of the property connected with said prisons. And they shall have placed in each of the institutions herein named a lock letter-box, accessible to the inmates, the key of which shall be kept by the commissioners, and every inmate shall have the right to deposit therein any communication in writing under seal, addressed to the commissioners or any member of the board. They shall also make such regulations in regard to the rations, clothing, and bedding of the convicts in said prisons, as the health, well being, and circumstances of each convict may require; but all diet, rations, clothing, beds, and bedding shall be of good quality, and in sufficient quantity for the sustenance and comfort of the convicts; and said bedding shall include mattress, blanket, and pillow. No intoxicating liquors shall be furnished to the convicts. Said commissioners, with the warden of the state prison, and with the superintendent of the reformatory prison for women, respectively, shall cause provision to be made in said prisons or their dependencies for keeping the convicts therein employed in some useful labor suited to their respective capacities. As soon as may be after the establishment of any rules or regulations in regard to said prisons, as provided in this section, the commissioners of prisons shall cause authentic copies thereof to be laid before the governor and council, who shall approve, annul, or modify the same.

SEC. 13. The deputy-warden, and all other officers of the state prison except the assistant watchmen, shall be appointed by the warden, subject to the approval of the commissioners of prisons, and shall hold their offices during the pleasure of the warden and said commissioners. The assistant watchmen shall be appointed by the warden, and shall hold office during his pleasure. The warden shall immediately report to the commissioners of prisons all appointments made by him.



SEC. 14. The commissioners of prisons, or one of them, shall visit the state prison and the reformatory prison for women at least once in each month; and said prisons shall be visited by a majority of the board of commissioners once in three months, and oftener if they think necessary, for the purpose of inspecting the books and all the concerns of the prisons, and ascertaining whether the laws, rules, and regulations relating to the said prisons are duly observed, the officers competent and faithful, and the convicts properly governed and employed. The full board of commissioners shall also visit said prisons semi-annually, and make a thorough examination thereof. . . .

SEC. 16. Every officer of the state prison holding his place at the pleasure of the warden of the state prison and the commissioners of prisons, and every officer and employee of the reformatory prison for women holding a position at the pleasure of the superintendent of said prison and said commissioners, shall, if found unfaithful or incompetent, or known to use intoxicating liquors as a beverage, be by them forthwith removed. In case of a disagreement between said warden or said superintendent and the commissioners of prisons in relation to the removal of any such officer or employee, the subject may be referred to the governor and council, who may make such removal.

SEC. 17. All books and documents relating to the concerns of the state prison and the reformatory prison for women shall at all times be open to the examination of the commissioners of prisons, who shall semi-annually carefully examine said books, and compare them with the vouchers and documents relating thereto. They may employ an expert accountant to make an examination of said books, vouchers, and documents, if at any time they deem such an examination necessary. . . .

#### THE REFORMATORY PRISON FOR WOMEN

SEC. 23. All officers and employees of the reformatory prison for women, except the superintendent, treasurer and steward, and chaplain, and physician, shall be appointed by the superintendent, subject to the approval of the commissioners of prisons, and shall hold their offices during the pleasure of the superintendent and said commissioners.

SEC. 24. The commissioners of prisons shall be authorized to employ, and determine the compensation to be paid to the engineer, the farmer, the gatekeeper, the stablemen, if any, and other necessary male servants or hired laborers of the reformatory prison for women; which compensation shall be paid by the treasurer of said prison.

SEC. 25. The commissioners of prisons shall have the same power of discharging persons confined for any cause in the reformatory prison for women that county commissioners have of discharging prisoners from houses of correction. There shall also be vested in said commissioners of prisons all the powers in relation to the reformatory prison for women (which are not by the provisions of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four given to the superintendent, and treasurer and steward) that county commissioners have in relation to houses of correction.

SEC. 26. The keepers of jails, and masters of houses of correction, and the superintendents of houses of industry and work-houses, shall, whenever a female is committed to the prison under their respective charge, forthwith transmit to the secretary of the commissioners of prisons such an abstract of the mittimus on which she is committed as the said commissioners may prescribe. . . .

#### REPORTS

SEC. 33. The commissioners of prisons shall annually, in the first week of the month of January, make to the legislature a full and complete report of their doings during the year preceding, stating fully and in detail all expenses incurred, and showing the actual condition on the thirtieth day of September of the state prison, the reformatory prison for women, and the jails and houses of correction in all the counties of the state, the number of inmates in each, with such suggestions and recommendations as they may deem proper. Said report shall embrace statements which shall be made to them by the warden of the state prison, and the superintendent and the treasurer and the steward of the reformatory prison for women, of the general condition of said prisons, the amount of liabilities and of outstanding claims, giving the names of debtors and creditors, the sums due to or from each, and time when payable. It shall also contain detailed accounts of the expenditures for the said prisons for the year ending on the thirtieth day of September; the cost of all changes made in the buildings of said prisons; the names, position, pay, and allowances of the several officers and employees; the amount received for the labor of prisoners; the names of contractors for whom the labor was performed; a copy of all contracts for the labor of prisoners in said prisons; the kinds of labor; the number of days, and pay per day, of each prisoner; the average cost of the support of each inmate; the number of volumes in the libraries in said prisons; and such other facts in relation to said state prison and

said reformatory prison for women as they deem proper. They shall also present in said report estimates of the sums which will be required to meet the expenses of said prisons for the following year, specifying in detail the amount for salaries, for subsistence, for clothing, for bedding, for fuel, for repairs, and for incidentals, together with the probable income of each prison from labor and from all other sources.

SEC. 34. The power and authority given to the warden and inspectors in section forty-three of chapter one hundred and seventy-nine of the General Statutes, and the power and authority given to, and the duties required of, the inspectors of prisons, in the several sections of said chapter not repealed by or incorporated in this act, are hereby transferred to the commissioners of prisons.

SEC. 35. The board of inspectors of the state prisons, the commissioners of prisons, the agent for discharged convicts, and the advisory board of women to said commissioners, are hereby abolished.

#### **4. Health Separated from Lunacy and Charity<sup>1</sup>**

SECTION 1. The governor with the advice and consent of the council shall appoint seven persons who shall constitute the state board of health. The persons so appointed shall hold their offices for seven years; provided that the terms of office of the seven first appointed shall be so arranged that the term of one shall expire each year. All vacancies on said board, whether occurring by expiration of term, or otherwise, shall be filled by the governor with the advice and consent of the council.

SEC. 2. The board shall be provided with rooms at the expense of the state and shall hold meetings each month on a day fixed by itself, and at such other times as may be needful. It shall make its own by-laws, and shall make a report of its doings to the governor and council on or before the thirty-first day of December in each year; such report being made up to the thirtieth day of September inclusive.

SEC. 3. The board shall elect a secretary, who shall be the executive officer and shall hold office during the pleasure of the board. He shall perform or superintend the work prescribed by law for the state board of health, and as directed by the board, and such other duties as the board may require. He shall not be ex-officio a member of the

<sup>1</sup> Extract from "An Act to Establish a State Board of Health, March 24, 1886," *Acts and Resolves Passed by the General Court of Massachusetts in the Year 1886*, chap. 101. Lunacy and Charity were separated in 1898. See below, Part III, Sec. I, Document 6. See *Acts of 1898*, chap. 433.

board, but the board may, whenever it shall be deemed necessary, elect one of the members secretary pro tempore who may in the absence or disability of the secretary perform the duties of that officer. The secretary shall receive from the treasury an annual salary of twenty-five hundred dollars and his necessary travelling expenses incurred in the performance of official duties. No member of the board shall receive any compensation; but the actual personal expenses of any member while engaged in the duties of the board shall be paid from the treasury, after they have been audited by the board. All other necessary expenses arising in the secretary's office or from the discharge of the duties of the board shall be paid out of the treasury in the same manner as those of the different departments of the government. . . .

SEC. 5. The board heretofore known as the state board of health, lunacy and charity shall be hereafter called the state board of lunacy and charity, and shall have and exercise all the powers and duties heretofore had and exercised by the state board of health, lunacy and charity, except such as are by the force and effect of this act prescribed for the state board of health.

SEC. 6. When this act shall take full effect, the employment of all officers and other persons then in the service of the health department of the state board of health, lunacy and charity, shall cease and determine.

SEC. 7. This act shall take effect so far as the appointment and qualification of members of the board and the election of a secretary are concerned, upon its passage; and in all other respects shall take effect the first day of June next.

### 5. The Ohio Board<sup>1</sup>

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio:* That the governor shall appoint five persons, who shall constitute the board of state charities; two of the persons so appointed shall

<sup>1</sup> "An Act in Relation to State Charitable and Correctional Institutions, April 17, 1867," *General and Local Laws and Joint Resolutions Passed by the General Assembly of the State of Ohio*, LXIV (1867), 257-58.

It should be noted that there were in Ohio at this time nine institutions: three asylums for the insane, a school for the deaf and dumb, a school for the blind, and a school for the idiotic. There were a penitentiary, a reformatory, and a house of refuge. The year before (1866) county homes for dependent children had been authorized (see Homer Folks, *The Care of Destitute, Neglected and Delinquent Children*, and *General and Local Laws of the State of Ohio*, LXIII [1866], 45-46). No appropriation was made for the expenses of the board, and its work was made

hold office for one year, two of them for two years, and one for three years, unless sooner removed. Appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms, in the same manner as original appointments, and all appointments to fill vacancies caused by the expiration of terms shall be made in the same manner.

SEC. 2. The board of state charities shall be provided with suitable rooms in the state house. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate the whole system of the public charitable and correctional institutions of the state, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall receive no compensation for their services except their actual traveling expenses, which shall be allowed and paid.

SEC. 3. The board of state charities shall annually prepare and print for the use of the legislature, a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the state institutions under their control, with such suggestions as they may deem necessary and pertinent. . . .

possible only by the volunteer services of Rev. A. G. Byers, chaplain of the State Penitentiary. The board was abolished in 1872 and reorganized in 1876 on the recommendation of Governor Rutherford B. Hayes, then serving his third term (see for a history of the early activities of the board the *Fifteenth Annual Report* [1890] and the *Twenty-fifth Annual Report* [1900]). In 1911 there was created the State Board of Administration, a salaried board of four persons besides a fiscal supervisor and a secretary, while the State Board of Charities, increased in 1913 to nine in number, continued to exercise supervisory or advisory functions until 1921, when the Department of Public Welfare was created (see W. H. Allen, *Report on One Head for Four in Administering Welfare Institutions*, submitted to Ohio General Assembly Joint Legislative Committee on Administrative Reorganization, 1920; *Laws of Ohio* (1921), p. 106; and below, Part III, Section I, Document 11).

With the early work of the board is associated especially the name of Gen. Roeliff Brinkerhoff (born June 28, 1828, died June 4, 1911), a lawyer, a man of affairs of French Huguenot and Dutch descent, a brigadier-general in the Union Army. He became a member of the board in 1878 and served thirty-three years. He was president of the National Conference of Social Work in 1879. See *Recollections of a Lifetime*, by General Roeliff Brinkerhoff (Cincinnati, 1900).

## 6. The New York Board of Commissioners of Public Charities

### A. A SUPERVISORY STATE AUTHORITY<sup>1</sup>

SECTION 1. Within thirty days after the passage of this act, the Governor, by and with the consent of the senate, shall appoint eight persons, one residing in each judicial district of the State, to be called and known as the board of State commissioners of public charities.

SEC. 2. One of the persons so appointed shall hold his office for one year, one for two years, one for three years, one for four years, one for five years, one for six years, one for seven years and one for eight years, as indicated by the Governor on making the nominations; and all appointments thereafter, except to fill vacancies, shall be made for eight years.

SEC. 3. Before entering upon their duties, the said commissioners shall respectively take and subscribe to the constitutional oath required

<sup>1</sup> "An Act to Provide for the Appointment of a Board of Commissioners of Public Charities, and Defining Their Duties and Powers, May 23, 1867," *Laws of the State of New York* (1867), chap. 951.

The problem before the New York Board was in volume and in complexity more serious and difficult than was the case in any other state. Attention has been called to the demand for a state authority in the field of charities and to the recognition of the immigration problem and of the prison problem as requiring separate administrative agencies (see above, Part I, Section II, Document 18).

Two courses of development should be mentioned: (1) the elaboration of other agencies for control and supervision without abolishing the Boards of Trustees of the state institutions and without eliminating the State Board.

In 1873 there was created the salaried position of Commissioner in Lunacy, who was replaced in 1880 by a salaried Commission in Lunacy of three, to whom increased powers were given. In 1804 the Fiscal Supervisor was also authorized to require reports from the institutions. After 1804 the State Board of Charities, the State Board of Lunacy, and a re-created Commission of Prisons were permanent constitutional bodies.

The multiplication of agencies for control was said to result in delay and confusion for the institutions (see Section III, Document 9), and the action of the board was itself inadequate to safeguard the very interests for whose protection it was created (see summary of Commissioner Strong, Part II, Section III, Document 13, and Fairlie, *Centralization in New York*, "Columbia University Studies," Vol. IX, No. 3.

2. The development of a great private society intended to amplify and extend the powers of the State Board, namely, the State Charities Aid Association, which reported to the State Board of Charities and, after 1898, to the State Board of Lunacy, presents an extremely interesting illustration of co-operation between public and private organizations. (See page 296.)

of other State officers, which shall be filed in the office of the Secretary of State who is hereby authorized and directed to administer such oath. The said commissioners shall have power to elect a president out of its own number, and such other officers and agents as it may deem proper, and to adopt such by-laws and regulations for the transaction of its business and the management of its affairs as it may consider expedient.

SEC. 4. The said commissioners shall have full power at all times to look into and examine the condition of the several institutions which they may be authorized by this act to visit, financially and otherwise; to inquire and examine into their methods of instruction, and the government and management of their inmates; the official conduct of trustees, directors and other officers and employees of the same; the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings and all books and papers relating to said institutions; and all persons now or hereafter in any manner connected with the same, are hereby directed and required to give such information, and afford such facilities for inspection, as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution, to comply with the requirements of this section, shall subject the offender to a penalty of two hundred and fifty dollars, to be sued for and collected by the said commissioners, in their name of office.

SEC. 5. The said commissioners, or some one of them, are hereby authorized and required, at least once in each year, and as much oftener as they may deem necessary, to visit all the charitable and correctional institutions of the State, excepting prisons, receiving State aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the State are equally benefited by said institutions, and the various other matters referred to in the fourth section of this act; and report in writing to the legislature, at the opening of each annual session of the same, the result of their investigations, together with such other information and recommendations as they may deem proper.

SEC. 6. The said commissioners, or some one of them, shall also, at least once during the first two years of their appointment, and also at least once during each two years thereafter, visit and examine into

the condition of each of the city and county alms or poor-house, and shall possess all the powers relative thereto, as mentioned in the fourth section of this act; and shall report to the legislature, in writing, the result of their examination, in connection with the annual report above mentioned.

SEC. 7. Whenever any charitable or correctional institutions, subject to the inspection herein provided for, require State aid for any purpose other than their usual expenses, the said commissioners, or some or one of them, shall inquire carefully and fully into the ground of such want, the purpose or purposes for which it is proposed to use the same, the amount which will be required to accomplish the desired object, and into any other matters connected therewith; and in the annual report of each year they shall give the result of such inquiries, together with their own opinions and conclusions relating to the whole subject.

SEC. 8. The said commissioners, or any one of them, are hereby authorized to administer oaths and examine any person or persons in relation to any matters connected with the inquiries authorized by this act.

SEC. 9. The said board of commissioners shall have power and they are hereby authorized to appoint a clerk, who shall hold his office during their pleasure, with a salary not exceeding fifteen hundred dollars per annum, who shall, when required, act as an accountant, from time to time, as they may have occasion to investigate the financial or other affairs of any of the institutions affected by this act, or the accounts or official conduct of any of their officers; and when acting as such accountant, he shall, in addition, be allowed his actual traveling expenses. . . .

SEC. 11. The said commissioners, or some or any one of them, shall attend upon the sessions of the legislature whenever any committee of either house shall require their attendance. . . .

SEC. 13. The said commissioners shall receive no compensation for their time or services, but the actual expenses of each one of them, while engaged in the performance of the duties of their office, and any actual outlay for any necessary aid or assistance required in examinations or investigation, on being made out and verified by the affidavit of the commissioner making the charge, shall be paid quarterly by the Treasurer, on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, and the clerk of the board shall be paid in like manner.



SEC. 14. No member of the board of said commissioners shall be, directly or indirectly, interested in any contract for building, repairing or furnishing any of the institutions which by this act they are authorized to visit and inspect, nor shall any trustee or other officers of any of the institutions embraced in this act, be eligible to the office of commissioner hereby created.

**B. POWER GIVEN THE BOARD TO APPOINT COUNTY BOARDS  
OF VISITORS<sup>1</sup>**

SECTION 8. The said board shall have power, by a resolution to be entered on its minutes, subject to such terms and regulations as it may prescribe, to designate three or more suitable persons in any county to act as visitors, in said county, of the several poor-houses and other institutions therein, subject to the visitation of the board, in aid of and as representatives of said board, except such institutions as have a board of managers appointed by the State; and all officers and others in charge of such institutions shall admit to said institutions all such persons so designated, upon a production of a copy of such resolution, certified by the president or secretary of said board, to visit, examine, and inspect the grounds and buildings of every institution, and every part thereof, and all its hospitals and other arrangements, and to have free access to all its inmates. Any officer, superintendent or person in charge of any such institution, who shall refuse to admit any person so designated, or shall refuse to give said visitors all requisite facilities for the examination and inspection as herein provided for, shall be subject to a penalty of two hundred and fifty dollars for each refusal, which penalty may be sued for and recovered in the name of the people of the State, by the attorney-general, and the sum so recovered shall be paid into the treasury of this State.

**7. Illinois Board of Commissioners of Public Charities<sup>2</sup>**

SECTION 1. That within ten days after the passage of this act, the governor, by and with the consent of the senate, shall appoint five

<sup>1</sup> Extract from "An Act Further to Define the Powers and Duties of the Board of State Commissioners of Public Charities, and to Change the Name of the Board to the State Board of Charities, May 21, 1873," *Laws of the State of New York* (1873), chap. 571.

<sup>2</sup> "An Act to Provide for the Appointment of a Board of Commissioners of Public Charities, and Defining Their Duties and Powers, April 9, 1869," *Public Laws of the State of Illinois* (1869), pp. 63-66.

No extended comment is made on the Illinois statute. See below, Part II, Section III, Document 10, for the comments of the Committee on Efficiency and Economy; Part III, Section I, Document 1, for the law of 1917; and Part III, Section I, Document 3, for the comment of Mr. Wright, *One Man Control*.

persons, to be called and known as "The Board of State Commissioners of Public Charities." One of the persons so appointed shall hold his office for one year, one for two years, one for three years, one for four years, and one for five years, as indicated by the governor in making the appointments; and all appointments thereafter, except to fill vacancies, shall be for five years. In case of any vacancy occasioned by the removal from the state by any such person so appointed, or death, or resignation, or non-acceptance of the office, or removal from office by the governor, by any such person so appointed, the governor shall immediately fill such vacancy; and all appointments made by the governor when the senate is not in session, shall be valid until the next session of the senate.

SEC. 2. Before entering upon their duties, the said commissioners shall respectively, take and subscribe the constitutional oath required of other state officers, which shall be filed in the office of the secretary of state, who is hereby authorized and directed to administer such oath. The said commissioners shall have power to elect a president out of their number, and such other officers and agents as they may deem proper, and to adopt such by-laws and regulations for the transaction of their business, as they may consider expedient.

SEC. 3. The said commissioners shall have full power, at all times, to look into and examine the condition of the several institutions, which they may be authorized by this act to visit, financially and otherwise; to inquire and examine into their methods of instruction, and the government and management of their inmates, the official conduct of trustees, directors, and other officers and employees of the same; the condition of the buildings, grounds, and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings, and all books and papers relating to said institutions; and all persons now or hereafter connected with the same are hereby directed and required to give such information, and afford such facilities for inspection, as the said commissioners may require.

SEC. 4. The said commissioners, or some one of them, are hereby authorized and required, at least twice in each year, and as much oftener as they may deem necessary, to visit all the charitable and correctional institutions of the state, excepting prisons receiving state aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation

to them are fully complied with; whether all parts of the state are equally benefited by said institutions, and the various other matters referred to in the third section of this act; and report, in writing, to the governor, by the fifteenth of December, annually, the result of their investigations, together with such other information and recommendations as they may deem proper; and the said board of public charities, or one of them, shall make any special investigation into alleged abuses in any of said institutions, whenever the governor shall direct, and report the result of the same to the governor.

SEC. 5. The said commissioners, or one of them, shall also, at least once each year, visit and examine into the condition of each of the city and county alms or poor houses, or other places where the insane may be confined, and shall possess all the powers relative thereto, as mentioned in the third section of this act; and shall report to the legislature, in writing, the result of their examination, in connection with the annual report above mentioned.

SEC. 6. Whenever any charitable or correctional institutions, subject to the inspection herein provided for, require state aid for any purpose other than their usual expenses, the said commissioners, or some, or one of them, shall inquire carefully and fully into the ground of such want, the purpose or purposes for which it is proposed to use the same, the amount which will be required to accomplish the desired object, and into any other matters connected therewith; and in the annual report of each year they shall give the result of such inquiries, together with their own opinions and conclusions relating to the whole subject.

SEC. 7. The said commissioners, or any one of them, are hereby authorized to administer oaths, and examine any person or persons, in relation to any matters connected with the inquiries authorized by this act.

SEC. 8. The said board of commissioners shall have power, and they are hereby authorized to appoint a clerk, who shall hold his office during their pleasure, with a salary not exceeding \_\_\_\_\_ dollars per annum, who shall, when required, act as an accountant, from time to time, as they may have occasion to investigate the financial or other affairs of any of the institutions affected by this act, or the accounts or official conduct of any of their officers; and when acting as such accountant he shall, in addition, be allowed his actual traveling expenses.

SEC. 9. The number of the board of trustees of the "Hospital for the Insane," the board of directors of the "Illinois Institution for the Education of the Deaf and Dumb," the board of directors of the

"Institution for Educating the Blind," and the board of trustees of the "Soldiers' Orphans' Home," respectively, shall, immediately after the passage of this act, be, by the governor, reduced to three.

SEC. 10. The said commissioners, or some, or any one of them, shall attend upon the session of the legislature, whenever any committee of either house shall require their attendance.

SEC. 11. Said board of commissioners shall be furnished by the secretary of state with the necessary blank books, blanks, and stationery.

SEC. 12. The said commissioners shall receive no compensation for their time or services, but the actual expenses of each one of them, while engaged in the performance of the duties of their office; and any actual outlay for any actual aid and assistance required in examinations and investigations, on being made out and verified by the affidavit of the commissioners making the charge, and approved by the governor, shall be paid quarterly by the treasurer on the warrant of the auditor of public accounts, out of any moneys in the treasury not otherwise appropriated; and the clerk of the board shall be paid in like manner.

SEC. 13. No member of the said board of commissioners shall be, directly or indirectly, interested in any contract for building, repairing or furnishing any of the institutions which, by this act, they are authorized to visit and inspect; nor shall any trustee or other officer of any of the institutions embraced in this act be eligible to the office of commissioner, hereby created.

SEC. 14. The governor is hereby authorized to remove any of the trustees and directors of any of the institutions named in the ninth section of this act, whenever, in his opinion, the interests of the state require such removal; and in case of removal, he shall communicate to the legislature the cause of such removal.

SEC. 15. No two members of the aforesaid boards of trustees or directors of said institutions shall be residents of the same county, nor shall more than one trustee or director aforesaid reside in the county where said institutions shall be respectively located. The principal of the "Institution for the Education of the Deaf and Dumb," shall continue to be, *ex-officio*, a member of the board of directors of that institution.

### 8. The North Carolina Board<sup>1</sup>

SECTION 1. *The General Assembly of North Carolina do enact:* That the General Assembly shall, immediately on the ratification of this act, proceed by concurrent vote to select five electors who shall be styled the Board of Public Charities of the State of North Carolina. One of the persons so elected shall hold office for one year; one for two years, one for three years; one for four years, and one for five years, the term to begin the first of July, 1869. Appointments to fill vacancies in this Board, caused by resignation or removal from the State, death, or from any other cause, may be made for the residue of such term by the Governor.

SEC. 2. The Board of Public Charities shall hold regular meetings on the first Tuesday in January, April, July and October, and as often besides as they may deem needful. They shall make such rules and orders for the regulations of their own proceedings as they may deem proper; they shall *investigate and supervise* the whole system of the charitable and penal institutions of the State, and shall recommend such changes and additional provisions as they may deem needful for their economical and efficient administration. . . .

SEC. 3. The general condition of the State as effected by crimes, vagrancy and pauperism, shall also come under the view of the Board, and it shall be their duty to report, to the General Assembly, when in their judgment, it may become needful for the erection of the several reformatory institutions, whose organization is provided for in article eleven of the Constitution.

<sup>1</sup> "An Act Providing for a Board of Public Charities, and Prescribing the Duties Thereof, April 10, 1869," *Public Laws of the State of North Carolina* (1868-69), chap. 170.

The constitution of 1868 had contained (Art. XI, Sec. 6) a provision to the effect that competent legislation should provide for the construction and superintendence of state penal institutions, county jails, and city police stations; secure the health and comfort of prisoners; and see to it that male and female prisoners should never be confined in the same cell. The statute enacted in 1869 placed the power of appointing the Board of Public Charities in the legislature with the power to fill vacancies between sessions of the legislature in the governor. The legislature made no elections after 1873, and the board ceased to meet. In August, 1880, during the interval between sessions, the governor filled the vacancies, and the board was reorganized and continued to operate until 1919, when the statute was redrafted and the present elaborate system inaugurated (see *Seventeenth Proceedings of the National Conference of Charities and Correction* [1890], p. 339). See *Laws of the State of North Carolina* (1917), chap. 170; *ibid.* (1919), chap. 46; U.S. Children's Bureau Publication No. 107, p. 44.

SEC. 4. The Board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization. They shall, beside their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State.

SEC. 5. Personal visits may be required by the Board, of one or more of its members, or otherwise, to make careful investigation into the condition of the several County Jails and alms-houses, and the treatment of their unfortunate inmates, and report on these points, so that the provisions of section six, article eleven, of the Constitution may be enforced.

SEC. 6. Whenever the Board shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any alms-house or other place, whether such insane person is a public charge or otherwise, it shall be the duty of said Board to cause such insane person to be conveyed to the State Asylum, there to receive the best medical attention. So also, it shall be their care that all the unfortunates shall participate in the charities of the State.

SEC. 7. The Board may require the superintendent, etc., of the several charitable and penal institutions of the state to report to them of any matter relating to its inmates, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics at their command.

SEC. 8. The Board of Public Charities shall annually prepare and submit to the General Assembly a complete and full report of their doings during the preceding year, showing the actual condition of all the State institutions under their control, with such suggestions as they may deem necessary and pertinent, which they shall print.

SEC. 9. This Board shall make a special report to the General Assembly of 1870, on the cause of crimes, pauperism, etc.

## 9. The Pennsylvania Board

A<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the governor, with the advice and consent of the Senate, shall, as soon as practicable after the passage of this act, appoint five commissioners, who, together with the general agent and secretary hereinafter mentioned, shall constitute a board of public charities; one of the persons so appointed shall hold office for one year, one for two years, one for three years, one for four years and one for five years, unless sooner removed; appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms, by the governor, subject to the consent of the Senate, and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner, and shall be for the period of five years each.

SEC. 2. The commissioners, before entering upon their duties, shall, respectively, take and subscribe the oath required of other state officers, which shall be filed in the office of the secretary of the commonwealth, who is hereby authorized and directed to administer said oath; they shall have power to elect a president out of their own number, to appoint a general agent and secretary, and to adopt such regulations for the transaction of the business of the board and the management of its affairs as they may deem expedient.

SEC. 3. The said board shall be provided with a suitable room in the State Capitol, in which it shall hold its meetings, and it shall meet therein at least once in every three months; the time for such regular meetings to be fixed at the time of its organization; the commissioners shall receive no compensation for their services but their actual travel-

<sup>1</sup> "An Act to Create a Board of Public Charities, April 24, 1869," *Laws of the General Assembly of the State of Pennsylvania* (1869), No. 66.

The development in Pennsylvania has been unlike that in any other state, in that a portion of the board, three in number, increased by two—a physician of ten years' practice and a lawyer, a member of the bar of five years' practice—became a committee on lunacy. Only in 1915 a Prison Commission was created from among the inspectors of the state prisons. Until 1915, one authority covered the field with a committee specialized to lunacy. In 1921 a department was created, and in 1922 the statute was amended. The names connected with the early administration of the board are Dr. Diller Luther, Cadwalader Biddle, and Dr. Henry M. Wetherill, secretary of the Committee on Lunacy for a number of years.

ing and other necessary expenses, which shall be paid by the state treasurer, upon the certificate of the auditor general.

SEC. 4. The general agent and secretary of the board of public charities shall hold his office for three years, unless sooner removed; he shall be a member of the board ex-officio, and it shall be his duty, subject to the control and direction of said board, to keep a correct record of its proceedings, perform such clerical services as it may require, oversee and conduct its out-door business, visit all charitable and correctional institutions in the state at least once in each year, except as hereinafter provided, and as much oftener as the board may direct, examine the returns of the several cities, counties, wards, boroughs and townships in relation to the support of paupers therein, and in relation to births, deaths and marriages; and he shall prepare a series of interrogatories, with the necessary accompanying blanks, to the several institutions of charity, reform and correction in the state, and to those having charge of the poor in the several counties thereof, or any subdivision of the same, with a view to illustrate, in his annual report, the causes and best treatment of pauperism, crime, disease and insanity; he shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the commonwealth bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose such general investigations as he may think best for the approval of the board. He shall be paid annually the sum of three thousand dollars and his actual traveling expenses.

SEC. 5. The said commissioners shall have full power, either by themselves or the general agent, at all times, to look into and examine the condition of all charitable, reformatory or correctional institutions within the state, financially and otherwise, to inquire and examine into their methods of instruction, the government and management of their inmates, the official conduct of trustees, directors and other officers and employees of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings and all books and papers relating to said institutions; and all persons now or hereafter connected with the same are hereby directed and required to give such information and afford such facilities for inspection as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution to comply



with any of the requirements of this act, shall subject the offender to a penalty of one hundred dollars, to be sued for and collected by the general agent, in the name of the board.

SEC. 6. The said commissioners, by themselves or their general agent, are hereby authorized and required, at least once in each year, to visit all the charitable and correctional institutions of the state receiving state aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the state are equally benefited by them, and the various other matters referred to in the fifth section of this act; and in their annual report to the legislature, to embody the results of their investigations, together with such other information and recommendations as they may deem proper.

SEC. 7. The said board shall also require their general agent, at least once in every two years, to visit and examine into the condition of each of the city and county jails or prisons and alms or poor houses, and shall possess all the powers relative thereto, mentioned in the fifth section of this act, and shall report to the legislature the result of the examination, in connection with the annual report authorized by this act.

SEC. 8. It shall be the duty of all persons having charge or oversight over the poor in any city or county of this state, or in any subdivision thereof, and all persons having charge or control of county jails or prisons or work-houses, and of all other persons having charge or control over any other charitable, reformatory or correctional institution, not now by law required to make an annual report of the condition of the same, to make report, annually, to the said general agent, at such time and in such manner as he shall prescribe, of such facts and statements concerning the same as he may require; and all charitable, reformatory and correctional institutions now required by law to make annual reports, shall hereafter make and transmit the same to the said general agent on or before the first day of January in each year; and all such institutions now receiving or that may hereafter desire to receive state aid, shall annually give notice to the said general agent, on or before the first day of November in each year, of the amount of any application for state aid they may propose to make, and of the several purposes to which such aid, if granted, is to be applied.

SEC. 9. Whenever any such institution shall thus give notice of

asking for state aid, the general agent shall inquire carefully into the ground of such request, the purpose or purposes for which the aid is asked, the amount which will be required, and into any matters connected therewith; and in the annual report the result of such inquiries shall be given, together with the opinions and conclusions of the board thereon.

SEC. 10. The several members of said board are each hereby authorized to administer oaths in examining any person or persons, relative to any matters connected with the inquiries authorized by this act.

SEC. 11. No member of said board shall be interested directly or indirectly in any contract for building, repairing or furnishing any institution, which by this act they or any one of them are authorized to visit or inspect; nor shall any trustee or other officer of any of the institutions embraced in this act, be eligible to the office of commissioner or general agent hereby created.

SEC. 12. The board of public charities shall annually prepare and print, for the use of the legislature, a full and complete report of all their doings during the year preceding, stating fully in detail all expenses incurred, all officers and agents employed, with a report of the general agent and secretary, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all charitable and correctional institutions within the state, with such suggestions as the board may deem necessary and pertinent; and the said general agent and secretary is hereby authorized to prepare the necessary blanks and forward the same, in good season, to all institutions from whom information or returns may be needed, and to require a prompt return of the same, with the blanks properly filled.

SEC. 13. The said board may at its discretion, if the general agent shall be unable by press of duties to conduct the correspondence of the board, appoint a corresponding secretary, at a salary not exceeding one thousand dollars per annum, who shall conduct the correspondence of the board, and perform such other clerical duties as may be required of him.

## B<sup>1</sup>

SECTION 1. *Be it enacted, &c.*: That the Board of Public Charities shall have the supervision over all houses or places in which any person of unsound mind is detained, whenever the occupant of the house, or

<sup>1</sup> Extract from "An Act Relative to the Supervision and Control of Hospitals or Houses in Which the Insane Are Placed for Treatment or Detention, May 8, 1883," *Laws of the General Assembly of the State of Pennsylvania* (1883), No. 18.

person having charge of the lunatic, receives any compensation for the custody, control or attendance, other than as an attendant or nurse, and also of all houses or places, in which more than one such person is detained, with or without compensation paid for custody or attendance.

SEC. 2. There shall be three additional members added to the Board of Public Charities, one of whom shall be a member of the bar of at least ten years' standing, and one a practising physician of at least ten years' standing. The three additional members shall be appointed by the Governor and confirmed by the Senate, after the passage of this act, for a term of five years, or upon any vacancies occurring by death or resignation, for the unexpired term of such appointment, or on expiration of term of service, and the Governor upon sufficient cause may, in his discretion, remove any member from the office.

SEC. 3. The Board shall appoint a committee of five, to act as the committee on lunacy. The two professional members appointed under this act, shall be members of that committee; and three members shall constitute a quorum. The committee shall choose a chairman and secretary to serve for the current year, and annually thereafter in November. The secretary shall receive an annual salary of three thousand dollars, with necessary incidental expenses to be accompanied with proper vouchers, payable quarterly by the State Treasurer, and he may be removed at the pleasure of the Board of Public Charities.

SEC. 4. The committee on lunacy herein provided for, shall examine, for themselves or through their secretary, and report annually to the board, on or before the first day of November, into the condition of the insane in this State, and the management and conduct of the hospitals, public and private almshouses, and all other places in which the insane are kept for care and treatment or detention: and it shall be the duty of the officers and others respectively in charge thereof, to give such committee and their secretary, at all times, free access to the insane, and full information concerning them and their treatment therein.

SEC. 5. The said committee on lunacy are empowered and required to execute, through themselves or their secretary, all the provisions of this act which pertain to their office as set forth therein; and shall direct their secretary accordingly, and shall also, with the consent of the board, make such other rules and regulations for their own government, and that of their secretary, as are not inconsistent with the provisions of this act.

SEC. 6. The report of the said committee on lunacy, shall be published annually with that of the Board of Public Charities.

#### 10. The Rhode Island Board<sup>1</sup>

SECTION 1. The Governor, with the advice and consent of the Senate, shall appoint six persons, two from the county of Providence, and one from each of the other counties, who, together with the secretary hereinafter mentioned, shall constitute the "Board of State Charities and Corrections." One of the persons so appointed shall hold office for one year, one for two years, one for three years, one for four years, one for five years, and one for six years, unless sooner removed. Appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, may be made by the governor for the residue of the term; and all appointments to fill vacancies, caused by the expiration of terms, shall be made by the governor with the advice and consent of the senate, and shall be for the term of six years. Said board with the exception of the secretary, shall receive no compensation for their services, but shall be paid their necessary traveling expenses, out of the State treasury.

SEC. 2. Said board are hereby authorized to appoint some suitable person as secretary, who shall by virtue of his office, be a member of said board, and shall hold his office during the pleasure of said board, and shall perform such duties as may be required of him by said board.

SEC. 3. Said board shall also appoint some suitable person as superintendent of State Charities and Corrections, who shall hold his office during the pleasure of said board. He shall under the directions of said board, have the general charge and superintendence of the business of said board; especially the examination of paupers and lunatics, to ascertain their place of settlement and means of support; or who may be responsible therefor; the removal of paupers and lunatics to their homes or places of settlement; and shall have the like powers and authority as is now by law conferred upon the overseers of the poor.

SEC. 4. A State workhouse, a house of correction, a State asylum, for the incurable insane, and a State almshouse are hereby established in the town of Cranston, and the farm owned by the State, in said town, is hereby set apart as a location for the institution aforesaid, and said farm shall be under the control and management of the board of State Charities and Corrections.

<sup>1</sup> "An Act to Establish a Board of State Charities and Corrections, May 28, 1869," *Acts and Resolves of the State of Rhode Island* (1869-70), chap. 814.

SEC. 5. Said board shall have the entire charge and control of said workhouse, asylum for the incurable insane, house of correction and almshouse, and may appoint such assistants in the management thereof as they shall deem necessary, and shall fix their compensation and also the compensation of the secretary and superintendent, and may make all rules and regulations for the government of all said institutions, including all contracts for the labor of the inmates thereof. Said board shall have the same power to bind out any of the inmates of said workhouse during the minority of such inmates, as is now by law vested in overseers of the poor over children that come under their charge. Said board shall also have power to discharge at any time, any of the inmates of said institutions.

SEC. 6. All persons who may have actually abandoned their wives or children, without adequate support, leaving them in danger of becoming a public charge, or who may neglect to provide according to their means, for the support of their wives or children, or who being habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families; all idle persons, who being of doubtful reputation and having no visible means of support, live without employment; all sturdy beggars who apply for alms, or solicit charity; all persons wandering abroad, lodging in station houses, out-houses, market places, sheds, stables or uninhabited buildings, or in the open air, and not giving a good account of themselves; all persons who go about from place to place to beg or to receive alms; all common prostitutes, drunkards and night-walkers; lewd, wanton, and lascivious persons in speech or behavior, common railers and brawlers; all persons who neglect all lawful business and habitually misspend their time by frequenting houses of ill-fame, gaming houses or tippling shops; all common cheats, vagrants or disorderly persons; shall, on conviction of either of the aforesaid offences by a justice of the peace, be sentenced to said State workhouse for a term not less than six months, and not more than three years. The complaints, in such cases, shall be made by the superintendent of State Charities and Corrections, the chief of police, city marshal, or such other officers as the town or city councils may appoint, or by the overseer of the poor in the town or city in which the offence is committed, and neither of said persons or officers shall be required to give surety for costs on any complaint made under the provisions of this section; and any persons convicted of any of the offences named in this section, by a justice of the peace, may appeal therefrom

in the same manner as is now by law provided for appeals from justices of the peace in criminal cases.

SEC. 7. Any person who shall have been convicted of intoxication under such circumstances as to amount to a violation of decency, three times within six months, or who shall be proved to have been thus intoxicated three several times within six weeks, shall be deemed a common drunkard within the meaning of this act.

SEC. 8. The master or other person having the charge of any vessel arriving at any time within this State, with passengers on board from any country out of the United States, shall, and if from any port in any other part of the United States, shall, if required by the said superintendent, within 24 hours after the arrival of such vessel, make report in writing under his hand to said superintendent, of all such passengers, their names, nation, age, character and conditions, so far as shall have come to his knowledge.

SEC. 9. Every such master or other person who neglects or refuses to make such report, or shall knowingly and wilfully make a false report, shall for each offence forfeit the sum of one hundred dollars, to be sued for and recovered by the said superintendent to the use of the State.

SEC. 10. The owner, master or person having charge of any vessel arriving at any place within this State with passengers on board, who have within six months previous to such arrival come into the United States from any country without the United States, shall within 36 hours of such arrival, if required by said superintendent, give to the State a bond with security to the satisfaction of said superintendent with condition that no such passenger shall become chargeable to the State within one year after his arrival.

SEC. 11. Any owner, master or person having charge of any such vessel who shall when required, neglect or omit to give such bond, shall forfeit five hundred dollars, to be sued for and recovered by the said superintendent to the use of the State.

SEC. 12. Said board may require any railroad company located wholly or in part within this State, or the owner of any steamboat landing within the State, and any agent or person employed by them to make returns of the names, sex, ages, and nativity of any class of passengers brought into this State upon their railroad or steamboat, and service of the order requiring such returns, may be made by such person as shall be authorized by said board by leaving an attested copy

thereof with the treasurer of said railroad company, or at any depot or ticket office of said railroad company, or with the owner, master or other person in charge of such steamboat.

SEC. 13. Such company or owner, master or person, in charge of such steamboat, upon whom said order shall have been served, shall forfeit twenty dollars for every day's neglect to make such return after said order has been served to be recovered by said superintendent to the use of the State.

SEC. 14. In lieu of the bond required by the tenth section of this Act, the superintendent of State Charities and Corrections may receive from such owner, master, or person in charge of any vessel arriving as aforesaid, such sum, not less than two dollars, as is in his judgment sufficient to cover the risk incurred by the State in allowing any such passenger to be landed; and the names of all such passengers shall be certified upon the back of the report.

SEC. 15. Any railroad company or owners of steamboats, whose officers or servants shall bring into the State any poor person, shall be liable for all expenses incurred by the State for the relief and support of such poor person, during twelve months after his being brought into this State, to be recovered by an action on the case in the name of said superintendent, to the use of the State, and said companies or owners shall, upon the written order of said superintendent, return such poor person to the place from which they brought him.

SEC. 16. The several cities and towns in this State may, at their own expense, send to the State almshouse, to be maintained at the expense of the State, all paupers who may fall in distress therein, not having a legal settlement therein, but who have become chargeable to such city or town.

SEC. 17. Any city or town may, at their own expense, send to said State almshouse such paupers as have a legal settlement in such city or town, upon such terms as may be agreed on by such city or town and the Board of State Charities and Corrections.

SEC. 18. Any lunatic, having no legal settlement in this State, who is supported as a pauper by the State, or by any town in this State, and who, in the opinion of the Board of State Charities and Corrections, is incurably insane, shall be sent by said board to the State asylum, for the incurable insane, there to be maintained at the expense of the State.

SEC. 19. The said board are hereby authorized to receive into said asylum, from any city or town, any person having any legal settlement in said city or town, who in the opinion of said board is incurably in-

sane, upon such terms as may be agreed upon by such city or town and said board.

SEC. 20. All sums paid by the State, or by any city or town, for the support of any pauper may be recovered of any of the kindred obligated by law to maintain such pauper, or of the place of his legal settlement, if any such within the State shall be ascertained.

SEC. 21. On application of the trustees of the Providence reform school, the said board may cause any inmate of said reform school, whom said trustees deem incorrigible or unfit persons to remain in said school, to be transferred with the mittimus to the State workhouse, there to remain until the expiration of the term of the sentence stated in the mittimus, and any person sentenced to said workhouse, escaping or attempting to escape, may be pursued and reclaimed, and upon conviction thereof shall be punished by imprisonment in said workhouse for not less than six months, in addition to the previous sentence.

SEC. 22. The Board of State Charities and Correction shall annually make a full report of all their doings to the general assembly, on or before the second week of the January session.

### II. The Wisconsin Board<sup>1</sup>

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations existing between the state and its dependent and criminal classes may become better understood, there is hereby created a state board of charities and reform.

<sup>1</sup> "An Act to Organize a State Board of Charities and Reform, March 23, 1871," *General Laws Passed by the Legislature of Wisconsin in the Year 1871*, chap. 136.

The creation of a State Board had been recommended by the governor (Fairchild) in 1870, and a bill to create such a board had passed the lower house of the legislature. There were at the time six state institutions—for the blind (1850), deaf and dumb (1852), State Prison (1852), for the insane (1860), an industrial school for boys (1860), a soldiers' orphans' home (1860). For the management of each of these except the prison, there existed a Board of Trustees of five or seven members appointed by the governor, while the prison was under the direction of an executive elected every two years. In accordance with recommendations offered by the State Board in their first *Report*, the legislature provided in 1872 (*Laws*, chap. 66) for a uniform system of accounting, and in 1873 replaced the elective head of the State Prison by a Board of Trustees appointed by the governor. Other recommendations urged by the board during the first decade of its existence bearing on the conduct of the state institutions were (1) the establishment of an industrial school for girls, (2) industrial provision for the incurable insane, (3) the establishment of an institution for the feeble-minded, (4) the establishment of a state school for dependent



SEC. 2. The said board shall consist of five members, who shall be appointed by the governor and shall hold their offices for the term of five years and until their successors are appointed and qualified, except that at the first appointment, the term of one member shall be fixed for one year, of another for two years, of another for three years, of another for four years and of the other for five years. When any vacancy shall occur in the board by resignation, death or any other cause, the governor shall appoint a new member to serve for the residue of the unexpired term.

SEC. 3. The board shall meet in the office of the secretary of state within sixty days after their appointment, to organize and to transact such other business as may be necessary to carry into effect the provisions of this act. They shall afterwards meet in October on or before the 15th day, and in January on or before the 10th day of each year; and they may hold such other meetings as they may decide upon.

boys, and (5) a law requiring county clerks to supply information asked for by the board.

In 1881 a change was made in the management of the state institutions. The boards of trustees were abolished and for them was substituted a Board of Supervision of five members appointed by the governor. The Board of Charities and Reform was continued, but it was now responsible for the supervision of the local institutions and agencies, and for the state institutions there was substituted an administrative authority (*Laws of Wisconsin* [1881], chaps. 233 and 298). In 1883 its power of visitation of state institutions was restored to the Board of Charities and Reform (*ibid.* [1883], chap. 26), but there were evidently wide differences of opinion between the two boards; and the Board of Supervision, which was in fact a board of administration, was chiefly concerned with questions of finance and economy, and, while no central purchasing agency was set up, the board claimed that by strict supervision and careful planning, considerable reduction in cost was secured without the sacrifice of the patients' interests. In 1891, however, the two boards were abolished, and a State Board of Control of Reformatory, Charitable, and Penal Institutions was substituted for the two (*Laws of 1891*, chap. 221). This board consisted of six (later five) salaried members (\$2,000) who were to devote their entire time to the work of the board. They administered the state and supervised the local institutions, visited private agencies, licensed child-placing agencies, and served as commissioners in lunacy. A central purchasing scheme was set in operation in 1898. Note should also be taken of the creation in 1915 of a Board of Public Affairs (*Laws* [1915], chap. 606) consisting of the governor, the secretary of state, the president of the senate, the speaker of the house, the chairman of the finance committees in the senate and house, and nine members appointed by the governor to secure uniformity and accuracy in accounting, efficient management in pecuniary matters, and to recommend a budget.

Attention should also be called to the development of a co-operative relationship between the state and the counties in the care of the chronic insane. To this,

SEC. 4. The board shall appoint a qualified elector as secretary, whose duty it shall be to keep the records and books of the board, to prepare such papers, to make such visits and to engage in such researches and investigations as may be required of him by the board. He shall hold his office for three years, unless sooner discharged by the board.

SEC. 5. It shall be the duty of the board to investigate and supervise the whole system of the charitable and correctional institutions supported by the state or receiving aid from the state treasury, by personal visits to such, making themselves familiar with all matters necessary to be understood in judging of their usefulness and of the honesty and economy of their management; and it shall also be their duty to recommend such changes and additional provisions as they may deem necessary for their great economy and efficiency.

SEC. 6. It shall be the further duty of the board to commence and to conduct a course of investigation into the condition of poor houses in the state, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at

attention will be called in the discussion of local agencies (see below, Part III, Sec. II, Document 1).

Among the names associated with the early work of the board in Wisconsin are those of Willard Merrill, William C. Allen, Hiram H. Giles, Andrew C. Elmore, Mrs. Mary E. B. Lynde, who were active in the National Conference of Charities and Correction as well as in the state. A conference with officials from Illinois and Michigan held in Chicago May 14, 1872, at which there were five representatives from Wisconsin, four from Illinois, and two from Michigan, may be looked on as one of the origins of the National Conference of Social Work (see *Proceedings of N.C.C.C.* [1882], p. 10; and Sparling, "State Boards of Control," *Annals of the American Academy*, XVII [1901], 74). See also Part III, Sec. V, Document 2.

The question of the substitution of boards of control for boards of supervision will frequently arise. See below, Part II, Sec. III, Document 8, for conclusions drawn from a comparative study, in which the Iowa and the Indiana systems as well as that of New York are reviewed.

The following careful statement with reference to the Minnesota experience may perhaps also be considered here. In that state a State Board of Corrections and Charities was created in 1883 (*Laws* [1883], chap. 127) composed of six members for three-year terms. In 1901 that board was abolished, and a Board of Control was created (*ibid.* [1901], chap. 122). In 1907 a Board of Visitors was re-established (*ibid.* [1907], chap. 441).

"The experience of Minnesota is especially illuminating in showing the exact place of the Board of Control. It is only a substitute for separate boards of trustees. Its function is chiefly financial. The men who secure appointments as members of boards of control have nearly always been men of business rather than philanthropic

what cost, and under what circumstances, as to health, comfort, and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands; also how many idiotic persons are therein supported; also how many poor children the said poor houses contain, and what provision is made for their suitable care and education. They shall also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise at the public expense, outside of poor houses, the cost at which such support or relief is furnished, and any other important facts therewith connected. They shall also inquire to what extent the provisions of the law in regard to binding out poor children are complied with; and in general they shall seek to collect such facts as may throw light upon the adequacy and efficiency of existing provisions for the support and relief of the poor, and any causes operating to increase or diminish the amount of pauperism in the state, or to place the burden of relieving it where it does not properly belong.

experience. If the separate boards of trustees need the assistance of a state board of charities, even more does the board of control need the assistance of a state board of visitors.

"There is not a single superintendent of any public institution in the state of Minnesota who has received his appointment as a political reward. There is no superintendent who was ever active in either local or party politics. The public does not know and does not care what the political affiliations of these men are. It is the habit of the special advocates of the Board of Control to assume that this state of affairs has been brought about by a body which has had the management for the past six years. Nothing could be farther from the fact. There has been but one new appointment to the superintendence of any institution since that board came into existence, and the men who have charge of the institutions were men brought up under the influence of the State Board of Charities and Correction. The spirit of the institutions still retains the influence of those days. It would be equally wrong to say that the State Board of Charities deserves all the credit for the freedom of Minnesota institutions from the baleful influence of party politics. It is rather the result of that rising tide of public virtue which was manifest in 1883 in the establishment of the Board of Charities and which is represented throughout the state by the large body of public-spirited men and women educated through state conferences of charities and otherwise, who regard the duties of a state as a philanthropic person too sacred to be invaded by the hands of the spoiler. So firmly entrenched in the judgment and affection of the leaders of the people in both parties is the Minnesota system of regarding efficiency as the paramount virtue in superintendents, that it is hardly conceivable that any administration, however drunk with the pride of power or however ambitious for partisan gain, would dare to attempt to set it aside" (Samuel G. Smith, "The Minnesota System in the Management of Public Charitable and Correctional Institutions," *American Journal of Sociology*, XIV, 217-18).

SEC. 7. It shall be the further duty of the board to commence and to conduct a course of investigation in regard to jails, city prisons, houses of correction and other places in the state in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining by visit or otherwise, their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders and from persons suspected of crime or detained as witnesses, also whether any useful employment is furnished for prisoners, whether the insane are treated with due regard for humanity, and what efforts are put forth for the reformation of criminals; and in general, they shall endeavor to ascertain for the information of the legislature, any important facts or considerations bearing upon the best treatment of criminals and the diminution of crime.

SEC. 8. The board shall have full power at all times to look into and examine the condition of the institutions and establishments referred to in this act, to inquire into and examine their methods of treatment, instruction, government and management of their inmates, the official conduct of trustees, managers, directors, superintendents and other officers and employes of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management, and for these purposes they shall have free access to all parts of the grounds and buildings, and to all books and papers of said institution and establishment; and all persons now or hereafter connected with the same are hereby directed and required to give, either verbally or in writing, as the board may direct, such information and to afford such facilities for inspection as the board may require.

SEC. 9. On or before the first day of December in each year, the board shall present to the governor a report of their proceedings and of their expenses under this act. Said report shall contain a concise statement of the condition of each of the charitable and correctional institutions supported by the state, or receiving aid from the state treasury, together with their opinion of the appropriations proper to be made for each for the following year. It shall also embody the results of their investigations during the year, in regard to the support of the poor and the treatment of criminals, and shall also contain any information, suggestions, or recommendations which they may choose to present upon the matters by this act assigned to their supervision and examination. Three thousand (3,000) copies of this report shall be printed by the state printer, in the same manner as those of the state officers are printed, for the use of the board and of the legislature.

SEC. 10. All members of the board and the secretary of the board are hereby prohibited from being interested, directly or indirectly, in any contract or arrangement for building, repairing, furnishing or providing any supplies of either of the institutions placed under their supervision.

SEC. 11. The members of the board shall receive no compensation for their services rendered under this act. Upon filing with the secretary of state sworn statements of the amount of expenses actually and necessarily incurred by them in carrying out the other provisions of this act, they shall have the amount of said expenses refunded to them from the state treasury, and the secretary of state is hereby authorized and required to draw his warrant upon the state treasury for the amount of expenses so incurred and proven. The secretary of the board shall receive for all services rendered by him under this act, \$1,200 per annum, payable upon the warrant of the board, quarterly, from the state treasury; his actual and necessary traveling expenses incurred in performing his duties shall be refunded in the same manner as those of the members of the board. And there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to comply with the provisions of this act.

SEC. 12. Hereafter the board of trustees of the Soldiers' Orphans' Home, of the Institution for the Education of the Blind, and of the Institution for the Education of the Deaf and Dumb, and the board of managers of the Industrial School for Boys, shall consist of five members each, who shall be appointed by the governor for terms of three years each, except that his first appointments under the authority of this section shall be so arranged that in each board two members shall be appointed for one year, two for two years and one for three years. So much of previous acts relating to the aforesaid institutions as authorizes their present trustees or managers to hold their offices, is hereby so far repealed that said trustees and managers shall go out of office so soon as their successors are appointed and qualified; and the persons appointed under authority of this section are hereby declared to be the legal successors to their respective offices, and entitled to receive from their predecessors all funds, books and papers belonging to the aforesaid institutions respectively.

12. The Michigan Board<sup>1</sup>

SECTION 1. *The people of the State of Michigan enact:* That within fifteen days after the passage of this act, with the advice and consent of the Senate, the Governor shall appoint three suitable persons, residents of the State, to be called and known as "The Board of State Commissioners, for the general supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, and six years, as indicated by the Governor in making the appointments, and all appointments thereafter made, except to fill vacancies, shall be for the period of six years. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office.

SEC. 2. Before entering upon the discharge of their duties, each of the said Commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said Commissioners shall have power to appoint a secretary, not of their number, whose duties they may prescribe and whose salary they may establish and determine.

SEC. 3. The said Commissioners, by one of their number, or by their secretary, shall, at least once in each year, visit and examine into the condition of each and every of the city and county poor-houses, county jails, or other places for the detention of criminals or witnesses; and the said board, or a majority thereof, with their secretary, shall at least once in each year, visit and examine the Reform School, State Prison, Detroit House of Correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the institutions, by them or by either of them visited, the method of instruction, government, or management therein pursued, the official conduct of the superintendents or other officers and employes in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertain-

<sup>1</sup> "An Act to Provide for the Appointment of a Board of Commissioners for the General Supervision of Penal, Pauper, and Reformatory Institutions, and Defining Their Duties and Powers. April 17, 1871." *General Acts of the State of Michigan* (1871), No. 192.

ing to the usefulness and proper management of the institutions, poor-houses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and at all times, and shall have authority to administer oaths and examine any person or persons in any way connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poor-houses, as to any matters or inquiries not contrary to the purposes or provisions of this act.

SEC. 4. The said Commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the Commissioner or Commissioners making the charge, and approved by the Governor, shall be paid quarterly by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and, the secretary of said board shall be paid in like manner: *Provided*, That the entire expense of said board or commission, including their compensation for services, as required by the seventh section of this act, and the salary and traveling expenses of the secretary, shall not exceed the sum of \$3,000 per annum.

SEC. 5. No member of said board, or their secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house be eligible to the office of Commissioner hereby created, nor shall any two members of said Board be residents of the same county.

SEC. 6. On or before the first day of October, in the year 1872, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigations, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said Commissioners, or either of them, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct,

and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said Commissioners, which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.

SEC. 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal or reformatory institutions by them to be visited, or in any wise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature at the first regular session following the passage of this act; and to accomplish this end, said board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, 1872, together with such revision, amendments, and suggestions for the improvement thereof, as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. And each of said board, for the time actually required and expended in the discharge of his duties under this section, shall be entitled to demand and receive such reasonable compensation as shall be approved by the Governor, and which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses: *Provided*, That said board shall not perform the duties provided in this section if any law shall be enacted at this session of the Legislature authorizing the same work by any other board or commission.

SEC. 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the board of inspectors of the State Prison and the board of control of the Reform School, or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.



### 13. The Kansas Board<sup>1</sup>

SECTION 1. The State institutions of learning shall each and all be governed by a board of regents, composed of seven persons, of whom one shall be ex-officio, and the remaining six shall be appointed by the Governor with the advice and consent of the Senate. The one holding office ex-officio shall be the chancellor or president.

SEC. 2. The Governor shall appoint for each of said institutions of learning, in the year 1873, six regents, of whom two shall hold their position for a term of one year ending April 1, 1874; of whom two shall hold their position for two years, ending April 1, 1875; and the remaining two for three years, ending April 1, 1876; and their successors shall each and all hold office for the term of three years, expiring on the first days of April in the years thereafter.

SEC. 3. The asylum for the blind, the asylum for the deaf and dumb, and the asylum for the insane, shall each be directed and controlled by a board of trustees, consisting of six persons, who shall be appointed by the Governor, by and with the advice and consent of the Senate.

SEC. 4. The Governor shall appoint in the year 1873, six members of the board of trustees for the asylums for the blind, deaf and dumb and insane of whom two for each shall hold their office for one year ending April 1, 1874; two for two years, ending April 1, 1875; and two for three years, ending April 1, 1876, and their successors shall each and all hold their positions for the term of three years, the terms ending on April 1, of the succeeding years.

SEC. 5. In case of any vacancy occurring in any of the boards of regents or trustees hereinbefore provided for, the appointments made to fill such vacancy shall be only for the unexpired term.

SEC. 6. In the appointment of regents and trustees, under this act, except for the Leavenworth normal school, there shall not be at any time more than two members appointed from any one county of the State, nor shall any appointee, as referred to in this section, be vested with the right to participate in the control of more than one institution governed by the provisions of this act.

<sup>1</sup> "An Act Entitled an Act to Provide for the Appointment of Regents and Trustees, for the Control of the Public Institutions of the State, and Defining Certain Powers Thereof, March 6, 1873," *Laws of the State of Kansas* (1873), chap. 135.

See also *Laws* (1876), chap. 130; *ibid.* (1899), chap. 29; *ibid.* (1901), chap. 353, or *General Laws*, par. 6521 f.; *Laws* (1905), chap. 475, or *General Laws*, par. 7085 f.

SEC. 7. The said boards of regents and trustees shall within thirty days after official notice of their appointment, assemble at the different institutions designated under their appointment, and immediately proceed to organize their respective boards for their first fiscal year by the election of a president, vice-president, treasurer and secretary, and the adoption of such rules and regulations as may be essential to an intelligent and successful administration of the affairs entrusted to their care and responsibility. The said boards of regents and trustees shall convene in regular session at least twice a year, and in such special sessions as the exigencies of their duties may require; they shall annually make a detailed report to the Governor of all receipts and disbursements of moneys, general status and condition of the institutions, accompanied with reports and statements furnished by the officers, principals and superintendents thereof.

SEC. 8. Regular or special meetings of any board of regents or trustees may be called by the secretary on the order of the president, or written petition of two members of the board. Four members of any board of regents or trustees shall constitute a quorum for the transaction of business.

SEC. 9. The compensation of regents and trustees shall be three dollars per diem, and mileage at the rate of ten cents per mile for actual distance traveled by the most practicable and direct route.

SEC. 10. The board of state house commissioners shall consist of six persons, duly qualified electors of the State of Kansas, who shall be appointed by the Governor, by and with the advice and consent of the Senate, in the year 1873, of whom two shall hold office for one year, ending April 1, 1874; two for two years, ending April 1, 1875; and two for three years, ending April 1, 1876, and their successors shall hold office each for the term of three years from the expiration of the terms of the first six respectively. All vacancies occurring shall be filled as provided in section six, and their compensation shall be the same as provided in section ten of this act.

SEC. 11. Whenever any vacancy or vacancies shall occur in any board of regents, trustees or commissioners hereinbefore provided for, at a time when the legislature is not in session, the Governor shall appoint some person or persons to fill such vacancy, but such appointment shall not continue longer than the third week after the next session of the legislature convenes.

SEC. 12. There shall be a commission of three citizens of the State of Kansas appointed by the Governor and confirmed by the Senate,

who shall hold their office for the term of three years, and who shall be in no wise connected with either of the institutions herein named, who shall be a visiting committee, to make at least two visits in each year to the following State institutions: The State Penitentiary, the Insane, Deaf and Dumb and Blind Asylums, the State University, the State Agricultural College, the State Normal Schools at Emporia and Leavenworth. They shall each have power to administer oaths and send for persons and papers to examine into the financial condition and the general conduct of said institutions, and they shall make a report to the Governor in writing at the end of each fiscal year of the financial condition and the general conduct of each of said institutions, their necessities and requirements, and such other recommendations as they may deem best for the proper conduct of said institutions, and for the public good. They shall receive for their services the sum of three dollars per day, and ten cents for each mile traveled by the most direct and practicable route.

SEC. 13. All boards of regents and trustees as are herein designated, shall be empowered as boards of control, with full and complete powers to adopt and enforce all necessary rules and regulations required under the law for the Government of said institutions. They shall make all appointments of officers, principals, teachers and employees which may be required for the practical and economical management thereof

SEC. 14. All parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

#### 14. The Connecticut Board<sup>1</sup>

SECTION 1. There shall be a board of charities, consisting of three gentlemen and two ladies, appointed by the governor of the state, whose duty it shall be to visit and inspect all institutions in this state, both public and private, in which persons are detained by compulsion for penal, reformatory, sanitary or humanitarian purposes, for the purpose of ascertaining whether the inmates of such institutions are properly treated, and (except in cases of detention for crime upon legal process) to ascertain whether any of such inmates have been unjustly placed or are improperly held in such institutions, with power to examine witnesses and to send for persons and papers, and with full power to correct any abuses that shall be found to exist; *Provided, however,* That no measures for the correction of any such abuses shall be taken which are in conflict with any personal rights, or with any rights or powers conferred upon any such institution by statute, or act of incorpora-

<sup>1</sup> "An Act Establishing a Board of Charities, July 1, 1873," *Public Acts Passed by the General Assembly of the State of Connecticut in the Year 1873*, chap. 45.

tion. *And provided further*, That in the correction of such abuses said board shall act, so far as practicable, through the persons in charge of such institutions, and with a view to sustaining and strengthening their rightful authority; and, whenever any measures shall be taken which do not receive the assent of the persons in charge of such institutions, such action shall be taken at a meeting of the board, at which at least four members shall be present, or shall be directed by a written order, signed by a majority of the board. And an appeal may be taken from any action of the board by the persons in charge of such institutions to the governor of the state.

SEC. 2. Every such institution shall be visited by the board, or some member of the board, frequently and at their discretion, and in the case of the state prison, reformatory schools and insane asylums, as often as once a month, and, so far as practicable, by one gentleman and one lady of the board; and no previous notice of such visits shall be given, or allowed to be given, to the persons in charge of the institution so visited; and it shall be the duty of the board, at every visit so made, to offer to the inmates of such institution an opportunity for private conversation with some member of the board. And any communication directed to any member of said board, by any inmate of said institutions, shall be forwarded to the post-office by the persons in charge, without inspection or delay.

SEC. 3. The duties of the board hereby constituted are to be limited to the supervision of the physical and moral welfare and personal rights of the inmates of such institutions, and the right of authoritative supervision in these respects, now conferred by law upon any other board or boards, shall cease.

SEC. 4. Said board shall make an annual report to the governor of the state, of any facts with regard to the institutions inspected by them, which they shall deem it important to have laid before the public, with any suggestions that they shall think proper, for additional legislation with regard to such institutions.

SEC. 5. The governor shall have power to remove any member of the board at his discretion, and it shall be his duty to remove any member found to be incompetent or unfaithful.

SEC. 6. There shall be allowed to the members of the board their actual traveling and other necessary expenses; and each member of the board shall certify, under oath, to the comptroller of public accounts, the number of days he or she has served, and the amount and items of his or her expenses; and the comptroller is hereby authorized to draw his order on the treasurer of the state, for the amount so due.

## SECTION II

### INTRODUCTORY NOTE

The early reports of these newly created boards contain invaluable material concerning the conditions prevailing in the institutions and agencies with which their new duties brought the members into contact. There are, for example, enumerations and classifications of the institutions then in existence,<sup>1</sup> with descriptions of their equipment,<sup>2</sup> estimates of their resources, comments on their methods of procedure and standards of work,<sup>3</sup> and suggestions for change,<sup>4</sup> that enable the student to realize something of the undertaking to which the members of the board were putting their hands.

The work assumed at once three aspects: that reflected by the relationship of the board (1) to the state institution, (2) to the local authority and in particular to the local authority giving relief under the Poor Law or maintaining the jail, and (3) to the private institutions, especially those receiving public subsidies.

It must be admitted that the influence of the central board on the local authority, whether the county, the town, or the city, has been relatively slight. During the past decade a very great effort has been put forth toward the organization of the county and the establishment of some relationship of stimulation, co-operation, perhaps control. This has been especially noticeable in the field of child welfare,<sup>5</sup> and can therefore receive relatively little attention here. And questions of the relation of the central board to the local authority have demanded special sections, which for various reasons have seemed better dealt with in Part III.<sup>6</sup>

With reference, too, to the relationship of the state board to the

<sup>1</sup> Documents 1, 3, 5, 6.

<sup>2</sup> Documents 10, 22.

<sup>3</sup> Documents 8, 9, 11.

<sup>4</sup> Documents 4, 11, 12, 14, 15.

<sup>5</sup> Attention is especially called to the publications of the U.S. Children's Bureau dealing with the movement toward setting up of child-welfare commissions in the various states; see, for example, No. 131, *State Commissions for the Study and Revision of Child-Welfare Laws*, for the development of child-welfare bureau; and especially for the development of county child-welfare work, see No. 107, *County Organization for Child Welfare and Protection*.

<sup>6</sup> See below, Part III, Secs. II and III.

private charitable effort, it has seemed best to assign a section to that topic and to include that section in Part III.<sup>1</sup>

In the remaining sections of Part II, then, the documents will have chiefly to do with the relationship between the state board and the state institutions.

Perhaps the first subject to which attention should be given is the general stability and character of the governing body of the institutions with whom the state board had to deal. Unfortunately, little material has been assembled concerning the personnel of these boards.

The facts with reference to the appointment of the trustees of the Kankakee State Hospital for the Insane, which was established in 1877, and illustrated the possibility of departing from the earlier architectural pattern,<sup>2</sup> have been brought together for the purpose of discovering, if possible, the extent to which the accepted structure of these boards enabled them to resist partisan pressure.<sup>3</sup> Between 1878 when the institution was established, and 1909, when the boards of trustees were abolished in Illinois, the appointments were as follows:<sup>4</sup>

Year	Trustees	Superintendent
1878 . . . . .	H. Clough, W. F. Murphy, Wm. Reddick	.....
1880 . . . . .	H. Clough, W. F. Murphy, Wm. Reddick	R. S. Dewey
1882 . . . . .	E. B. McCagg, John L. Donovan, Wm. Reddick	R. S. Dewey
1884 . . . . .	E. B. McCagg, John L. Donovan, Wm. Reddick	R. S. Dewey
1886 . . . . .	E. B. McCagg, John L. Donovan, Lemuel Milk	R. S. Dewey
1888 . . . . .	E. B. McCagg, John L. Donovan, Lemuel Milk	R. S. Dewey
1890 . . . . .	E. B. McCagg, John L. Donovan, W. W. Todd	R. S. Dewey
1892 . . . . .	E. B. McCagg, John L. Donovan, W. W. Todd	S. V. Clevenger
1894 . . . . .	Edmund Sill, J. W. Orr, F. D. Radeke	Clark Gapin
1896 . . . . .	Edmund Sill, J. W. Orr, F. D. Radeke	Clark Gapin
1898 . . . . .	Len Small, G. T. Buckingham, J. F. Magee	W. G. Stearns
1900 . . . . .	Len Small, G. T. Buckingham, Almet Powell	J. C. Corbus
1902 . . . . .	Len Small, W. E. Murphy, Almet Powell	J. C. Corbus
1904 . . . . .	Len Small, P. Whalen, Almet Powell	J. C. Corbus
1906 . . . . .	B. E. Sunny, A. M. Jones, C. E. Robinson	J. L. Greene
1908 . . . . .	B. E. Sunny, A. M. Jones, Henry H. Troup	J. F. WenGlesky

See below, Part III, Sec. IV.

<sup>2</sup> See Document 12.

<sup>3</sup> See Mildred Evelyn Buck, *The Illinois Eastern State Hospital for the Insane (Kankakee State Hospital), 1877-1909, with Special Reference to Standards of Architectural Construction* (Master's thesis, Graduate School of Social Service Administration, University of Chicago, 1926). See below, p. 451.

<sup>4</sup> The data given may not be exact, as they indicate rather the number of years each name appeared in the biennial reports of the institution than the years actually served. Owing to resignation and in some cases to death, some of these appointments were made in the middle of a biennial period, so that the actual service of a few men was either greater or less than the period indicated.

It will be noticed that there were four distinct periods in this series, each of which is marked by an entirely new board. The first period, during which there was uninterrupted Republican administration in Illinois, dates from the founding of the institution in 1877 until 1893, when a Democratic governor was elected for the first time since the Civil War; the second, 1893-97; the third, a return to the Republican domination, 1897-1905; and the fourth, a change within the Republican party itself, lasting two terms, until the Board of Administration was founded and all separate boards of trustees of institutions were abolished.

Two things should be noted with reference to the first period: (1) the frequent reappointments so that terms of office were longer than the period prescribed by the statute authorizing the institution and consequently a board that is practically permanent; and (2) the continuity in the office of the medical director of the hospital and of his staff. It was claimed that politics had no influence on the management; but there was an equal number of employees from each political party.

In the second period, there was a political change in the appointing power, and it was discovered that possession of the office of member on the board of trustees availed nothing without the sanction of the party in power; consequently, there were resignations of all members whose terms were unexpired, resulting in appointments of entirely new boards from the party in power. The same thing happened in 1897 and in 1905. As to the officers of the institution itself, in the first seven years of the ten-year period of change, beginning in 1892, there were five superintendents, and three and two-thirds sets of trustees, while at the time of the 1900 election it was stated that among the four hundred employees of all classes there were not more than a dozen left who had been there under the first superintendent, Dr. Richard S. Dewey. A skilled alienist had been replaced as superintendent by a general practitioner, and the chief of staff was now a village doctor.

In the same way, at the Illinois State School for the Feeble-Minded, in 1893, when Governor Altgeld took office, a new board replaced the former board, and again in 1897, when Governor Tanner succeeded Governor Altgeld. These changes in the board were reflected in changes in the staff. The situation has been described as follows:

Governor Altgeld, a Democrat, took up his duties in January, 1893, and on April 6, 1893, there were changes made in the personnel of the administrative body at Lincoln. A new board of trustees was organized. Up to this

time the trustees had held office, usually, throughout the regular six-year term, and had often been re-appointed so that no radical and complete change had taken place in the personnel of the local board. Although there had been changes, there had never been a time prior to 1893 when all three members of the board were new men.

The staff of the school was also changed. Dr. Fish resigned in April, 1893, and Ambrose M. Miller, M.D., was appointed as the new superintendent. New persons also filled the offices of clerk, secretary, storekeeper, and farmer. Dr. Miller continued in office only two and a half years, and in October, 1895, was succeeded by Dr. Joseph W. Smith of Mt. Sterling, Illinois. This was the second change of superintendents during the administration of Governor Altgeld.

In January, 1897, Governor Tanner, of the Republican party, succeeded Governor Altgeld, and more changes in administration took place. An entirely new board of trustees was appointed by the new governor; Dr. Joseph Smith resigned as superintendent, and Dr. W. L. Athon took his place.

The policy of Governor Altgeld in causing such changes is stated in his message to the General Assembly as follows: "The policy adopted at the beginning of the administration, in the matter of making appointments, when other things were equal, was to give preference to men who were politically in sympathy with this administration. . . . This applied to superintendents of institutions as well as to boards." The results of the Altgeld administration under such a policy were described by Governor Tanner after he had come into office as being unfortunate, for the treasury was empty, payments to the State institutions had not been made of appropriations due them; and the property of the institutions was run down and out of repair. . . .

New policies adopted by the institution during the years from 1877 to 1897 had been the gradually increasing leniency in admitting epileptics, although against the original wishes of the trustees; and a change in the method of purchasing supplies and in the payment of bills, under the program of economy of Governor Altgeld. . . . Changes in business management were made in 1893 by holding a meeting of trustees at the end of every month to audit bills before they were paid. Formerly all bills had been audited at quarterly meetings, which meant that most of them had already been paid and that the trustees were therefore unable to do anything except to sanction them. The institution began to purchase the bulk of all supplies by competitive bids instead of at regular wholesale houses as before, and all goods were weighed and examined by the storekeeper when first received to see that they complied with the requirements made in accordance with the samples submitted. Then goods were issued by the storekeeper only on req-



uisitions approved by the superintendent, and a record was kept of everything thus issued.<sup>1</sup>

Of the trustees of the Illinois Soldiers' Orphans' Home the same thing may be said.

. . . . Between 1877 and 1893 and between 1897 and 1909 the personnel of the Board changed but little. There were some resignations, as in 1908 when one of the trustees was elected to Congress. Occasionally the governor removed a trustee. General Bloomfield, the resident trustee, was removed in 1881 because of a controversy with the superintendent, and was replaced by another trustee of the same political faith. The governor made some re-appointments so that several trustees remained on the Board for ten or eleven years. The act which provided for a six-year rotating term did not, however, function in the years when the state political administration changed. In 1893 the new Democratic governor appointed two new members on the Board, although the terms of office of the members supplanted did not terminate until 1895 and 1897 respectively. Four years later, in like manner, the Republican governor appointed a board of all new members. None of the trustees of Democratic affiliations continued to serve. The records do not state how the governors managed to secure the resignations of the trustees of opposite political faith.<sup>2</sup>

Besides the question of the character of the boards of trustees and their attitude to the new authority, there was the question of the actual volume of work, the need to be met by the new agency.

This was especially interesting in New York, where the work appeared at once as too great to be carried out successfully by the public authority, so that a private agency, the State Charities Aid Association, was organized to supplement the state board. That organization<sup>3</sup> sought and obtained from the legislature the grant of certain public powers, such as the right of visitation,<sup>4</sup> and was laid under the duty of making an annual report to the state board and later to the Lunacy Commission as well.

There then arose the question of the nature of the relationship between the central board and the board of trustees of the institution.<sup>5</sup> Did the institution welcome the assistance of the new authority? Was

<sup>1</sup> Elizabeth C. Davis, *State Institutional Care of the Feeble-minded in Illinois* (Master's thesis, Graduate School of Social Service Administration, University of Chicago, 1926), pp. 39 ff.

<sup>2</sup> Alice Channing, *The Illinois Soldiers' Orphans' Home* (Master's thesis, Graduate School of Social Service Administration, University of Chicago, 1926), pp. 21-22.

<sup>3</sup> See Document 20, B. <sup>4</sup> See Document 20, A. See also above, p. 261, footnote

<sup>5</sup> See Documents 11 and 22.

the central board to advise or supervise, or was it to control? And what were the administrative devices by which either relationship was to be maintained?

These devices were (1) visitation,<sup>1</sup> (2) power to call for reports, a power not always acknowledged by the institution,<sup>2</sup> the right to ask special information,<sup>3</sup> the authority to prescribe forms and to establish uniform accounting systems. When control replaced supervision, the board of trustees of the institution were in some states done away with, and the powers of the state central board were enlarged to include: (1) the selection of personnel, (2) the direction of purchasing, and (3) the general oversight of the administration.

Attention may at this time be directed to the personnel of these state boards. The great figure, perhaps, in the early Massachusetts development was that of Dr. Samuel Gridley Howe,<sup>4</sup> whose services in the Greek struggle for freedom give a romantic quality to his biography. In his report, the *Second Report of the Massachusetts Board*, is found one of the great declarations of the recognition of human rights and the basis for sound service to the needy.<sup>5</sup> Frank B. Sanborn<sup>6</sup> served the board as its secretary from 1863 until 1868, and was a member of the board from 1870-75. With his work in this office is to be considered his work in connection with the American Social Science Association, the American Prison Association, and as editor of the *Springfield Republican*.

On the New York board sat in the early days William Pryor Letchworth,<sup>7</sup> and with his contributions to the annual reports should be noted his *Homes for Homeless Children*, his treatise on *The Care and Treatment of Epileptics*, as well as his contributions to the *Proceedings of the National Conference*. With him were associated the elder Theodore Roosevelt, Mrs. Josephine Shaw Lowell, the sister of one and the widow of another hero of the Civil War, a student of economics and industry as well as of political organization, a social worker who

<sup>1</sup> See Documents 21 and 22.

<sup>2</sup> Document 21.

<sup>3</sup> Document 11.

<sup>4</sup> 1801-1876.

<sup>5</sup> Documents 3 and 4. See the *Letters and Journals of Samuel Gridley Howe* (ed. by his daughter, Laura E. Richards, with notes and a Preface by F. B. Sanborn; Boston, 1906-9); see also F. B. Sanborn, *Dr. S. G. Howe, the Philanthropist* (New York, 1891).

<sup>6</sup> 1831-1917.

<sup>7</sup> See Josephus N. Larned, *Life and Work of William Pryor Letchworth, Student and Minister of Public Benevolence* (New York, 1912).

was also a social reformer of the first rank.<sup>1</sup> Mrs. Lowell was not the only woman finding an opportunity for service on these boards. Mrs. Leonard in Massachusetts, Mrs. Lynde in Wisconsin, Julia C. Lathrop at a later day in Illinois, and others made their contributions to the state and national conferences on these subjects.

With the early work of the Illinois board is especially associated the name of Frederick H. Wines, the son of the great prison reformer, E. C. Wines. He served as secretary of the Illinois board from 1869 to 1892, from 1896 to 1898, and from 1909 to 1912 was statistician of the new Board of Administration. From 1898 to 1909 he was with the United States Census. He was one of the original members of the National Conference, and was president in 1883. He was secretary of the American Prison Association from 1881 to 1890, and the president of the International Conference that met in Chicago in 1893. He was a member of the British Royal Statistical Society, and was first editor of the *Institution Quarterly*, founded by the State Charity Commissioners of Illinois in 1912.

A word may be said here on the subject of the conference as an important agency of public opinion. If the attainment of a nation-wide program was to be sought, it must be by agreement. From the earliest days, then, the boards visited one another, counseled together, and finally found in the two great organizations, the National Conference and the American Prison Association, a platform from which declarations might be made or discussions shared.<sup>2</sup>

It is hoped that, from the documents in this section, the reader can get an idea of the complexity and volume of the undertaking in each state to bring something like order out of a chaos of public good will.

<sup>1</sup> See W. R. Stewart, *Philanthropic Work of Josephine Shaw Lowell* (New York, 1911).

<sup>2</sup> See Document 7, "The Declaration of Principles of the Prison Association in 1870." See also below Part III, Sec. V, Documents 1 and 2.

## THE SITUATION AS THE NEW BOARDS FOUND IT

### I. Classification of Massachusetts Charities

#### A<sup>1</sup>

The charitable and correctional institutions directly under the control of the State, are eleven in number, namely:

	Date
1. The Rainsford Island Hospital.....	1736
2. The State Prison at Charlestown.....	1805
3. The State Lunatic Hospital at Worcester.....	1830
4. The State Reform School at Westborough.....	1846
5. The State Lunatic Hospital at Taunton.....	1851
6. The State Almshouse at Bridgewater.....	1852
7. The State Almshouse at Tewksbury.....	1852
8. The State Almshouse at Monson.....	1852
9. The State Industrial School at Lancaster.....	1854
10. The State Lunatic Hospital at Northampton.....	1855
11. The School Ship Massachusetts.....	1850

Besides these, there are three others partially under State Control, and three more which are aided by the State. The first are:

12. The Massachusetts General Hospital.....	1811
13. The Massachusetts Asylum for the Blind.....	1820
14. The Massachusetts School for Idiots.....	1848

All in Boston

The second three are:

15. The American Asylum for the Deaf and Dumb, Hartford, Conn. .	1817
16. The Massachusetts Eye and Ear Infirmary.....	1824
17. The Washingtonian Home	

Both the last are in Boston.

#### B<sup>2</sup>

### RECOMMENDATIONS

After a careful study of our charitable and correctional institutions, so many, so various, and so variously governed, we have come to the following general conclusions:

<sup>1</sup> Extract from *First Annual Report of the Massachusetts Board of State Charities, January, 1865*, p. 8.

<sup>2</sup> *Ibid.*, pp. xli-xlii.

I. That the State ought not to establish any more institutions to be exclusively supported from the public treasury, but rather, when new necessities arise, provide for them by assisting private charity, or the municipal organizations.

II. That the institutions now existing ought to be made more uniform in their management, more active in their co-operation, and more economical in their system of purchases, and the whole detail of their financial transactions.

III. That in order to secure this end they should be brought into closer relations with a central Board of Control and Inspection, similar to that established in New York, separate from the city government, for the management of the public institutions of that city.

IV. That there should be a separate Inspector or Board of Inspectors for all the prisons in the Commonwealth, with power to effect economy in the expenditures and reform in the discipline therein.

V. That there should be provision made for annual reports to the Legislature of the private and municipal institutions of charity and reform, and an effort made to methodize the private as well as the public almsgiving.

## 2.. Organization and Cost of the Board<sup>1</sup>

The Board consists of five commissioned members, who receive no compensation for their services, although they are reimbursed for their travelling and incidental expenses incurred in the public service; and two members, *ex-officiis*, the Secretary and the General Agent, who have salaries fixed by law. The Secretary superintends the clerical business of the Board, keeps its records, and conducts its correspondence; he keeps registers of the inmates of the institutions, prepares the statistical tables published in the reports, and conducts such general investigations as the Board may propose or approve, into the causes of and the methods of treating pauperism, insanity, and crime. It is the duty of the General Agent to oversee and conduct most of the outdoor business of the Board; he is Superintendent of Alien Passengers for the city of Boston; he visits the institutions wherein State paupers are supported, for the purpose of finding out what has been their past history, and where they belong; and all matters relating to settlements and removals are under his charge.

Neither the Board nor any one of its departments has ever expend-

<sup>1</sup> Extract from *Fifteenth Annual Report of the Board of State Charities of Massachusetts* (1878), pp. xvi-xviii.

ed, in any one year, more than the amount of its own appropriation. During the fifteen years of its existence, the expenses of its commissioned members, reimbursed by the State, have averaged only five hundred and twenty dollars per annum, and the total expense of the Board proper has been less than a thousand dollars a year. During the first five years the total expense of all its departments averaged only about twenty-two thousand dollars per annum. In 1869 and 1870 the appropriation to the General Agent's department was increased to meet the requirements of additional legislation, and the same is true with respect to the years 1877 and 1878. In 1869 the Visiting Agency was established by statute, for attendance on courts in the interest of juvenile offenders, and for exercising a supervision over all the children maintained wholly or in part by the State, or who have been or may be indentured or placed out under provision of law. The expenses of this Agency are heavy, requiring an annual average appropriation of about sixteen thousand dollars. Table I shows the cost of the Board and of the various departments, year by year, from 1864 to 1878 inclusive:

TABLE I  
EXPENSE OF ADMINISTRATION

	Expenses of the Board	Expenses, Secretary's Office	Expenses, General Agent's Department	Expenses, Account Sick State Poor	Expenses, Ac- count Visiting Agency	Total
1864 ..	\$ 957.06	\$ 7,570.24	\$ 11,505.00			\$ 20,038.00
1865 ..	043.60	7,834.71	11,300.08			20,079.35
1866 ..	2,030.61	7,080.17	12,306.78		\$ 364.30	22,000.95
1867 ..	1,078.21	7,401.18	14,421.04		1,478.30	25,309.72
1868 ..	1,150.24	8,003.67	14,445.27		972.15	24,571.33
1869 ..	403.63	0,436.37	17,515.10	\$ 3,252.04	6,118.12	30,816.10
1870 ..	670.80	8,666.05	20,060.65	4,447.30	13,152.22	47,013.07
1871 ..	540.38	9,353.01	17,477.04	4,487.00	14,585.30	40,443.51
1872 ..	500.01	9,462.80	13,431.47	5,343.01	15,329.77	44,077.86
1873 ..	570.06	9,488.18	12,733.80	8,317.32	10,707.07	47,007.42
1874 ..	922.24	8,580.25	12,262.58	9,437.43	10,973.77	48,185.27
1875 ..	811.93	8,558.12	12,100.06	8,790.40	15,140.33	45,421.03
1876 ..	967.91	8,008.70	12,001.42	8,624.33	15,055.57	45,648.02
1877 ..	723.02	7,500.71	15,544.00	0,200.72	15,070.40	48,037.84
1878 ..	656.54	7,605.08	17,160.25	0,784.98	15,490.05	50,715.50
	\$13,033.70	\$125,564.83	\$215,284.03	\$71,701.57	\$140,552.61	\$573,036.83

Regarding the foregoing figures, it should be said that all those for 1864 cover a period of fifteen months, beginning with October, 1863. The expenses of the Board in 1866, 1867, and 1868 include what was paid on account of rent and fuel for outside rooms, occupied by the

Board during the remodelling of the State House. The Visiting Agency expenses of these three years, and a portion of those for 1869, were incurred by an officer of the Board, who visited and looked after children in families, by its orders.

### 3. The Volume of Work<sup>1</sup>

Our Commonwealth contains within her borders about 4,000 persons towards whom she constantly stands in the relation of parent and guardian. She feeds, clothes, lodges, controls and directs them. She has invested two and a quarter millions dollars for eleven establishments, called institutions, into which she has gathered these, her 4,000 children and wards; and she employs nearly 500 persons to take care of them, teach them, train them, and govern and direct them. She expends nearly \$500,000 annually for this work, and is called upon every year for more and more. This sum does not include the money which she pays to institutions conducted by corporations, to which she makes a yearly allowance of more than \$50,000. Nor does it include the county and municipal establishments.

These institutions were built up at different periods, according to the wants of the day, as the streets of our capital were laid out, neither upon any uniform system, nor with an eye to future necessities. They were located at different places, as momentary convenience required, though sometimes, unfortunately, pecuniary considerations outweighed more important ones. They were put in charge of certain agents, or special boards of directors, independent of each other, and having no relations with each other, according to the custom and spirit of our political and social institutions.

These agents and officials have, in many respects, common duties, common purposes and common interests; nevertheless, they have no system of communication, and no unity of action; and the only place to which all resort is the office of the State's Treasurer.

The institutions have many common objects, some of which, certainly, could be accomplished better by united than by separate action. All the inmates are to be fed; and they require nearly a million pounds of meat, several thousand barrels of flour, and many thousand dollars' worth of groceries and other articles. They have all to be warmed, and require about 6,000 tons of coal. They have to be clothed; and the houses have to be kept furnished and in repair. Each one of them has

<sup>1</sup> Extract from *Second Annual Report of the Massachusetts Board of State Charities, January, 1866*, pp. ix-xiii.

to send agents frequently to Boston, or other markets, to purchase supplies, and, perhaps, they are sometimes obliged indirectly to compete with each other, to the advantage of the seller.

It was clear to thinking persons that all this could be done, with more economy of money and time, by a regular commissariat. All the staples could be bought at wholesale; meats on the hoof; flour at the mills; coal at the mines, and the smaller articles by some regular system in the respective neighborhoods. This at least is the way in which a military force, stationed at different points, would be supplied; and it is the way, too, which any shrewd business man would adopt, if he were called upon to supply his operatives at different stations. Besides, there are certain objects common to all the institutions; others common to groups of them; and it is obviously of the first importance to co-ordinate all the establishments, so as to make them work harmoniously to one great purpose and end.

There should be strict accountability, even to the minutest details and to the last cent; and of course, a uniform system of accounts adopted, which could be easily examined, compared and settled at the treasury, or some central agency.

In all the Institutions a variety of persons are employed, who ought to have a certain natural and acquired fitness for their respective offices; and there should be some uniform method of ascertaining whether they possess it or not.

The persons employed ought to be paid at certain rates, and these should be adjusted, as nearly as possible, by a common standard.

In all, there is to be government, order, discipline and industry. The principles which underlie these should be well considered and clearly set forth; and the daily duties of officers ought to have some uniformity in the different branches of the service.

In all of them the inmates who are capable of work ought to be employed at labor, in such manner as will give the greatest return of profit, and lighten the burden of their support. In certain groups labor should be as constant and severe as the bodily health and well-being of the inmates will bear, so as to deter the idle and vicious. In others, it should be as constant and diligent as may be without impeding the cure of mental or bodily disorders. In others still, as constant and as hard as is consistent with instruction, training and reformation.

Moreover, the product of all this labor should be, if possible, co-ordinated and turned to the most profit. For instance, chairs, tables and other furniture are constantly made at the State Prison; chairs are



bottomed at the Reform School; and shoes made at some of the almshouses; and the profit on most of this work goes to the contractors or purchasers. On the other hand, similar articles are constantly needed at the eleven State Institutions and the profit on their purchase is given to a dealer.

Again, some of the State Institutions raise more produce than they need, and sell the surplus to a dealer, who gets his profit on the purchase; while the other institutions purchase similar articles, and give the profit to a seller.

It would not be a violent stretch of imagination to suppose that chairs made at the prison are sometimes bought by a State Institution in the country; while some of the produce of its farm is bought at the prison; the profit of the double operation, of course, being reaped by dealers.

No matter if the instance chosen to illustrate the idea of co-ordinate labor is not a happy one, it shows the principle. At any rate the direction and disposition of all this manual force and mechanical skill—in a word, the labor of the 4,000 persons at the charge of the State—should be regulated with a view to a common end.

Again, in every one of the State Institutions, all facts connected with the condition and wants of the class of persons which it contains should be carefully noted and recorded; their nativity, parentage, and peculiarities of body and mind; their general education and habits of life, and the results thereof; their powers of labor, of endurance, of capacity for resisting disease and destructive agencies; their peculiar disorders; their mortality, longevity, and the like. In order to draw all the useful inferences from these facts, there should be a uniform system of observation; a regular series of questions; a well digested method of record; and, of course, an office in which they could be tabulated and the correct inferences drawn, so as to show the comparative condition, cost, productiveness, and the like, of the different classes in different localities.

In hardly one of these respects were the institutions of our Commonwealth such as they ought to be, and might easily have been; and yet there was so much common sense and ability in their general management, and so much diligence, fidelity, and frugality in their administration, that great good was manifested in their results; and the public, therefore, did not stop to ask if this good could not be much greater and at less cost.

Finally, however, it began to be seen that if there could be some

agency to collect all the valuable facts learned by the observation and experience of the many able and honest men who were acting without concert at various points, and to compare the results obtained in various institutions at home and abroad, valuable knowledge might be obtained which would tend to promote economy, to prevent mistakes, to rectify errors, and, in a word, increase the good results of so much effort by making all pull in one direction toward one common end.

Above all, it was seen that such an agency might consider carefully the causes which create such great numbers of dependents; might ascertain the social conditions which affect these numbers; and when those conditions are such as can be modified by legislation, appeal to the legislature; when they are such as can be modified only by the people, then appeal to the intelligence and moral sense of the people.

#### 4. Principles of Treatment<sup>1</sup>

##### THE FAMILY SYSTEM

In providing for the poor, the dependent, and the vicious, especially for the young, we must take the ordinary family for our model. We must, in a general view of them, bear in mind that they do not as yet form with us a well marked and persistent class, but a conventional, and, perhaps, only a temporary one. They do not differ from other men, except that, taken as a whole, they inherited less favorable moral tendencies, and less original vigor. Care should be taken that we do not by our treatment transform the conventional class into a real one and a persistent one.

In providing for them we are to consider that although there exists in them, as in all men, a strong gregarious instinct, out of which grows society, there are yet stronger domestic instincts out of which grows the family, and upon which depend the affections and the happiness of the individual. We cannot make the gratification of one instinct atone for the disappointment of the others. No amount of instruction and mental culture compensates for stunted affections; no abundance of society compensates for poverty of domestic relations; and the denial of these to the dependent poor, especially to the young, can only be justified by stern necessity. The family has been called the social unit. It is indeed the basis without which there will be no real society, but a multitude of individuals who harden into selfishness as they grow

<sup>1</sup> Extract from *Second Annual Report of the Massachusetts Board of State Charities, January, 1866*, pp. xlv-xlvi, xliv-xlv, xli-xliv.

older. By means of the affections growing out of the family, the individual is divided into many; and the interests of others are felt to be his own.

God not only "set the solitary in families," and made "blood thicker than water," but seems to have ordained that the natural institution of the family, growing out of kindred, and long familiar intercourse, must be at the foundation of all permanent social institutions, and that by no human contrivance should any effectual substitute be found for it. But the family instinct craves a permanent homestead; and the lack of that is one of the greatest evils of poverty.

If we look through history we shall find that none of the attempts to imitate the family, upon a large scale, have been successful, and that most of them have been disastrous failures. They require separation of sexes, and this involves a train of evils. Large numbers of one sex, living together permanently as a family, constitute an unnatural community, which necessarily tends to a morbid condition. Armies, and still more, navies, show this in some degree; but where the congregation is closer and longer continued, as in monasteries, nunneries, knight-hood-militant, shakerism, and other establishments on like foundation, the evil effects are multiplied and intensified. The public history of such establishments shows this plainly; and enough is known of their secret history to prove that, if it were openly written, it would cause a shudder in the minds of the poor.

The institution of the Sisters of Charity, that rare and beautiful flower of the Romish church, forms no exception; for the essence of the evil, to wit, intensifying selfishness, and making one's own good, whether here or hereafter, the chief aim of life, is counteracted in the Sisters by their blessed occupation, which calls them into the walks of men, and makes them sharers of human interests, sorrows and joys, contrary to the very principle of selfish isolation which underlies most of such establishments. . . .

#### GENERAL PRINCIPLES OF PUBLIC CHARITY

In considering what measures ought to be taken for the care and treatment of the dependent and vicious classes, we are to bear in mind several principles.

1st. That if, by investing one dollar, we prevent an evil the correction of which would cost ten cents a year, we save four per cent.

2d. That it is better to separate and diffuse the dependent classes than to congregate them.

3d. That we ought to avail ourselves as much as possible of those remedial agencies which exist in society,—the family, social influences, industrial occupations, and the like.

4th. That we should enlist not only the greatest possible amount of popular sympathy, but the greatest number of individuals and of families, in the care and treatment of the dependent.

5th. That we should avail ourselves of responsible societies and organizations which aim to reform, support, or help any class of dependents; thus lessening the direct agency of the State, and enlarging that of the people themselves.

6th. That we should build up public institutions only in the last resort.

7th. That these should be kept as small as is consistent with wise economy, and arranged so as to turn the strength and the faculties of the inmates to the best account.

8th. That we should not retain the inmates any longer than is manifestly for their good, irrespective of their usefulness in the institution. . . .

#### PROVISION FOR DISABLED SOLDIERS

There is, indeed, danger at this very moment that the earnest desire of the people to show their gratitude to those who carried the country triumphantly through the war, may lead to the formation of institutions upon unsound principles, which may prove to be nuisances, and cumber the field of charity in the next generation.

We cannot be too grateful for the services rendered; too reverent of the memories of our dead heroes, or too tender and generous to those survivors who need sympathy and aid. But we must remember that the warmer is the public heart, the more need of right direction for its impulses. Many of our soldiers may need *homes*, but such homes as we ourselves need; and a great institution, with its congregation of one sex,—with its necessary discipline, and its monotonous life,—never was and never can be such a home as our deserving veterans ought to have.

Better the poorest hut in a retired hamlet, with its single family gathered round the hearthstone, where,

The broken soldier, kindly bade to stay,  
Sits by the fire and talks the night away,

than a showy building, set upon a hill, with its corps of officials, its parade of charity, and its clock-work and steam for doing domestic

work so thoroughly that it is robbed of all its old and endearing associations. Unless some as yet undiscovered method is found to check the evil tendencies of all institutions which congregate persons of one sex, and substitute artificial for real family influences, soldiers' homes, or asylums, or refuges, will be likely to share the fate of like institutions in older countries. They will degenerate like the Invalides and the Quinze Vingts in France, and the Greenwich Hospital in England; and a succeeding generation will be occupied, as is the present generation abroad, in correcting their evils or cutting at their roots.

There is danger, indeed, that our institutions may not start under as favorable auspices as did some of the foreign ones. They were at first filled with well deserving veterans who had been actually wounded, or blinded, or disabled in war. But the signs already portend that into ours will press hardly any respectable Americans, few deserving foreigners, but a multitude of "bounty-jumpers and shirks," who want to eat but not to work.

Another danger is the very abundance of means of endowing such institutions; for there is not only the exhaustless treasure of the people's gratitude and the people's purse, but there are funds in hands of the government, derived from forfeitures, fines, unclaimed pay, and the like, which can be applied with seeming propriety to such purposes.

Besides, at this moment, there abound unemployed men who think they can do something better than work. Some of these aspire to honor, and some to office, and they will seek to connect themselves as patrons, or as officers, with institutions likely to have temporary popularity.

If the unreasoning impulse to build up special homes for soldiers is not followed with great caution, a large part of these funds will be invested at the outset in lands and buildings; a part of the remainder will be spent in keeping them in order; and a larger part in paying a costly corps of officers and retainers; leaving a small portion only for the immediate benefit of the soldiers. Better far, even as an economical measure, would be some well devised plan by which the money could go directly to the soldier, to be spent, or saved, or even wasted, at his will.

Besides, the natural desire of the deserving soldier, disabled in the war, is with few exceptions, to be at or near his old home and among his old associates; and the people should have him there, and no where else; not only for his happiness but their own good; that he may go about among them, wearing his orders of merit—his honorable scars—to keep alive in their hearts the feelings of patriotism and of gratitude.

Better have 500 maimed veterans stumping about the towns and

villages of Massachusetts, living partly on their pension and partly by their work, than shut up in the costliest and best structure that art could plan or money build.

Among the establishments of this kind which have already sprung up in various parts of the country, some are under the guidance of men who are not only earnest and honest, but wise and practical; and they will, for a time, keep down the unfavorable tendencies; but their vigilance and care cannot be always enjoyed, while the tendencies are innate, and will crop out sooner or later. In some of the establishments, or homes, they have not begun to do so; but in others they are already painfully visible.

In whatever is done we must not favor the creation of a separate class, but encourage the fusion of the soldier with general society. We must not lessen self-respect, or reluctance to accept direct aid, either in the soldiers themselves or in their widows and children, but merely help them to help themselves.

The Board would encourage every popular impulse leading to thought and care for our fellow-men of whatever class; and these remarks are inspired by the wish of making the present sympathy for the soldier productive of the most good and the least evil.

### 5. New York Classification of Charities<sup>1</sup>

We have made the following classification of charitable institutions, not purely on scientific grounds, but rather as demanded by the act under which the Board is organized, and as possessing practical convenience:

Division I. State Charities

Division II. Local Charities of Counties and Municipalities

Division III. All other charities receiving State aid

#### DIVISION I

The subdivisions under the general title of "State Charities" are:

1. Institutions for the Insane
2. Institutions for the Blind
3. Institutions for the Deaf and Dumb
4. Institutions for the Idiots
5. Institutions for the Inebriates
6. Institutions for the reformation of Juvenile Delinquents

<sup>1</sup> Extract from *Second Annual Report of the Board of State Commissioners of Public Charities of the State of New York* (1868), pp. xii-xiii.

## DIVISION II

The subdivisions under the title of "Local Charities of Counties and Municipalities" are:

1. County and town poor houses
2. Almshouses created by special law

## DIVISION III

The subdivisions under the title of "all other charities receiving State aid," are:

1. Orphan asylums and houses for friendless persons
2. Hospitals
3. Dispensaries
4. Charity week-day schools

It should be observed that the defect of this classification is that it separates subjects which would naturally be grouped together. Thus the State institutions for the blind, idiotic and insane are reviewed separately from those established for the same class of persons by the cities and counties. So again there are cases in the second and third class that are separated, which would, according to the nature of the institutions, be united. This incongruity is, however, outweighed in our judgment by the practical convenience of the classification we have adopted.

It may not be out of place to add that there is a large number of charitable institutions in the State which receive no State aid, and over which we have no power of inspection. We hope to present these in a tabular form in a succeeding report.

## 6. Efficiency in Public Charity<sup>1</sup>

### GENERAL REMARKS

There are some observations of a general nature affecting the proper conduct and efficiency of our charitable institutions, which we desire to group together here.

I. This *Report* shows that there is a great diversity in the organization of the institutions which we have undertaken to describe. Some are private corporations with the power of self-perpetuation; others are controlled by boards appointed at regular intervals by the Governor and Senate; others still are managed by trustees elected by stock-

<sup>1</sup> Extract from *Second Annual Report of the Board of State Commissioners of Public Charities of the State of New York* (1868), pp. xlvii-xlix.

holders voting either in person or by proxy. Even institutions of the same class have these diversities of organization. Is there any good reason for these distinctions or have charters been granted haphazard, and to gratify the wishes of the promoters of the necessary legislation? Is there some plan which is better than any other, or is it more expedient to introduce diversity of systems? These inquiries are suggested as worthy of consideration, without any present attempt to answer them.

II. There is room for serious inquiry whether public buildings are not too costly in some instances. The sentiment seems somewhat prevalent that the excellence of a public institution is to be measured by the palatial character of its buildings, and their outward show and decoration, rather than by the amount of the results achieved. This large expenditure operates injuriously as it often deters the public from providing all the conveniences really necessary for the weaker classes in the community. It may be suggested that the plan of public buildings should be submitted, before their erection, to a supervisory board. There is, moreover, another objection to great costliness in public buildings, which is of paramount importance. They often become the most serious impediments to reform. They are constructed, perhaps, on some false or imperfect theory. Time develops their defects so that they become patent to all, and yet they stand unchanged. The State authorities hesitate to make the sacrifice necessary to correct their deficiencies or dislike to acknowledge a mistake which makes so much expenditure useless. Should it appear wise hereafter to abandon our present system of prison discipline, will not the structures at Sing Sing and Auburn prove to be obstacles in the way? Or, suppose that the proposition now so extensively broached that the "congregate plan" of charitable institutions is vicious in theory and indefensible in practice, is established, will not the vast expenditures already incurred in buildings be a serious impediment to the general introduction of the family system? While the whole topic of charitable administration is still so unsettled, it would seem to be the dictate of prudence and sagacity to avoid all unnecessary expenditures.

III. There are some considerations concerning the sites of charitable institutions too important to be overlooked. This subject has been partially anticipated in connection with our reference to an asylum for the insane. There are some institutions which are advantageously placed in the country. Among these may probably be ranked reform schools, especially when they are conducted on the so-called family plan. Others again should be situated near a large city. This would



appear to be the case with an asylum for the blind. This class of persons are confined to a few avocations, some of which are of a character requiring much skill, such as musical composition and instruction in music. Their success in this difficult department with severe competition depends greatly upon the excellence of the instruction received. This can be furnished nowhere so well as in the vicinity of a large city, where the best talent can be procured for the time required at a moderate expense. This whole subject should be carefully considered, as it seems to us not simply with a regard to beauty of location or as a compromise with contending sections of the State, but rather with an eye to the best interests of the beneficiaries of the charity.

IV. Closely allied to the last suggestion is the inquiry whether it is for the interest of the State to take into account the gift by a city or town of a few thousand dollars or of a parcel of land in fixing the situation of charitable institutions. The sum received is commonly comparatively small and of little consequence when compared with the permanent interests of the charity. In fact, gifts of this kind are in general a positive injury, as they bring the State under an implied obligation not only to place but to continue the Institution in a locality unsuited to it. It would seem to comport with the dignity of a great State to establish its public institutions on wholly independent grounds without any influence from local interests, at the same time encouraging its public spirited citizens to contribute their time and money to their development and support. The other plan suggests the appearance, if it does not show the reality, of a trifling barter, in which the best interests of the charity are exchanged for a consideration of no practical value.

V. Another suggestion is derived from an error of administration, to which we would prefer not to allude, did it not fall within the path of our duty. But as medicine advances, through pathology, so charity takes new steps forward after a study of failures in administration. It is of the highest importance that the managers of our charitable institutions should be selected by the appointing power without any reference to political considerations. There should be no factions of a party nature among such trustees.

We are aware of the difficulty under which the Executive labors in making suitable selections for local appointments. We are, also, aware of the temptations to reward a political friend with a post of honor, when no more substantial compensation for party service can be rendered. But we believe that these difficulties may be surmounted, and

that such temptations should be steadfastly resisted. It is our conviction that our State institutions will only achieve their highest success when every consideration of a party nature is rigorously excluded in making appointments to their boards of trust.

VI. Another suggestion is, that the managers of charitable institutions do not always have in mind the fact that the utmost impartiality and freedom from self interest should prevail in the purchase of supplies and in other branches of institutional management. This may be one of the damaging results of the idea that certain localities have a claim to the establishment of such an institution in their midst—a claim which may be secretly, if not openly, urged on account of the pecuniary benefit to be derived from large contracts. The duty of the Managers is plain, and needs no enforcement. We would recommend the enactment of a law that no director or manager of a charitable institution shall be directly or indirectly interested in the purchase of supplies, or shall profit, in any manner, by the pecuniary management of the charity with which he is connected.

VII. We would raise the question whether it would not be advisable that the appropriations for State charitable institutions should always be presented to the Legislature through this Board? Very much time and money are expended by their officers in urging upon the Legislature the wants of the institutions. Should this suggestion be approved, a general appropriation bill might be presented, having the sanction of this Board, which might require a written and verified statement from the Managers that the expenditure is necessary, to be placed on file, and which might, in addition, direct personal examination of the case to be made and reported by the secretary or a referee.

#### **7. Declaration of Principles Promulgated at Cincinnati, Ohio, 1870, as Adopted by the National Prison Congress<sup>1</sup>**

I. Crime is an intentional violation of duties imposed by law, which inflicts injury upon others. Criminals are persons convicted of crime by competent courts. Punishment is suffering inflicted on the criminal for the wrongdoing done by him, with a special view to secure his reformation.

<sup>1</sup> *Proceedings of the National Prison Association, 1870*, p. 541; found in convenient form in Charles R. Henderson, *Prison Reform* (Russell Sage Foundation, Correction and Prevention, Vol. I), pp. 39-45.

II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.

III. The progressive classification of prisoners, based on character and worked on some well-adjusted mark system, should be established in all prisons above the common jail.

IV. Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skilfully applied system of rewards for good conduct, industry and attention to learning. Rewards, more than punishments, are essential to every good prison system.

V. The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play, and made constantly operative.

VI. The two master forces opposed to the reform of the prison systems of our several states are political appointments and a consequent instability of administration. Until both are eliminated, the needed reforms are impossible.

VII. Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits.

VIII. Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time.

IX. Of all reformatory agencies, religion is first in importance, because most potent in its action upon the human heart and life.

X. Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Education is, therefore, a matter of primary importance in prisons, and should be carried to the utmost extent consistent with the other purposes of such institutions.

XI. In order to the reformation of imprisoned criminals, there

must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed, since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing.

XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But, to this end, the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.

XIII. The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so. At present there is a combat between crime and laws. Each sets the other at defiance, and, as a rule, there is little kindly feeling, and few friendly acts, on either side. It would be otherwise if criminals, on conviction, instead of being cast off were rather made the objects of a generous parental care; that is, if they were trained to virtue and not merely sentenced to suffering.

XIV. The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is therefore as unchristian in principle as it is unwise in policy.

XV. In prison administration, moral forces should be relied upon, with as little admixture of physical force as possible, and organized persuasion be made to take the place of coercive restraint, the object being to make upright and industrious freemen rather than orderly and obedient prisoners; moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

XVI. Industrial training should have both a higher development and a greater breadth than has heretofore been, or is now, commonly given to it in our prisons. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, honorable labor is the basis

of all reformatory discipline. It not only aids reformation, but is essential to it. It was a maxim with Howard, "make men diligent and they will be honest"—a maxim which this congress regards as eminently sound and practical.

XVII. While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practiced in our country, as prejudicial alike to discipline, finance and the reformation of the prisoner, and sometimes injurious to the interest of the free laborer.

XVIII. The most valuable parts of the Irish prisons system—the more strictly penal state of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of natural training—are believed to be as applicable to one country as another—to the United States as to Ireland.

XIX. Prisons, as well as prisoners, should be classified or graded so that there shall be prisons for the untried, for the incorrigible and for other degrees of depraved character, as well as separate establishments for women and for criminals of the younger class.

XX. It is the judgment of the congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for reformatory processes to take effect.

XXI. Preventive institutions, such as truant homes, industrial schools, etc., for the reception and treatment of children not yet criminal, but in danger of becoming so, constitute the true field of promise in which to labor for the repression of crime.

XXII. More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that state societies be formed, which shall co-operate with each other in this work.

XXIII. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well defined classes engaged in criminal operations, who may be called the

capitalists and the operatives. It is worthy of inquiry, whether a more effective warfare may not be carried on against crime by striking at the capitalists as a class, than at the operatives one by one. Certainly, this double warfare should be vigorously pushed, since from it the best results, as regards repressive justice, may be reasonably hoped for.

XXIV. Since personal liberty is the rightful inheritance of every human being, it is the sentiment of this congress that the state which has deprived an innocent citizen of this right, and subjected him to penal restraint, should, on unquestionable proof of its mistake, make reasonable indemnification for such wrongful imprisonment.

XXV. Criminal lunacy is a question of vital interest to society; and facts show that our laws regarding insanity, in its relation to crime, need revision, in order to bring them to a more complete conformity to the demands of reason, justice and humanity; so that, when insanity is pleaded in bar of conviction, the investigation may be conducted with greater knowledge, dignity and fairness; criminal responsibility be more satisfactorily determined; the punishment of the sane criminal be made more sure, and the restraint of the insane be rendered at once more certain and more humane.

XXVI. While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practiced by the criminal classes. Does society take all the steps which it easily might to change, or at least to improve, the circumstances in our social state that lead to crime; or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to mend in both particulars. Offenses, we are told by a high authority, must come; but a special woe is pronounced against those through whom they come. Let us take heed that that woe fall not upon our head.

XXVII. The exercise of executive clemency in the pardon of criminals is a practical question of grave importance and of great delicacy and difficulty. It is believed that the annual average of executive pardons from the prisons of the whole country reaches ten per cent of their population. The effect of the too free use of the pardoning power is to detract from the *certainly* of punishment for crimes, and to divert the mind of prisoners from the means supplied for their improvement. Pardons should issue for one or more of the following reasons: viz., to release the innocent, to correct mistakes made in imposing the sentence,

to relieve such suffering from ill-health as requires release from imprisonment, and to facilitate or reward the real reformation of the prisoner. The exercise of this power should be by the executive and should be guarded by careful examination as to the character of the prisoner and his conduct in prison. Furthermore, it is the opinion of this congress that governors of states should give their respective legislatures the reasons, in each case, for their exercise of the pardoning power.

XXVIII. The proper duration of imprisonment for a violation of the laws of society is one of the most perplexing questions in criminal jurisprudence. The present extraordinary inequality of sentences for the same or similar crimes is a source of constant irritation among prisoners, and the discipline of our prisons suffers in consequence. The evil is one for which some remedy should be devised.

XXIX. Prison statistics, gathered from a wide field and skilfully digested, are essential to an exhibition of the true character and working of our prison systems. The collection, collation and reduction to tabulated forms of such statistics can best be effected through a national prison discipline society, with competent working committees in every state, or by the establishment of a national prison bureau, similar to the recently instituted national bureau of education.

XXX. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. We are of the opinion that those of moderate size are best, as regards both industrial and reformatory ends.

XXXI. The construction, organization and management of all prisons should be by the state, and they should form a graduated series of reformatory establishments, being arranged with a view to the industrial employment, intellectual education and moral training of the inmates.

XXXII. As a general rule, the maintenance of penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state; nevertheless, the true standard of merit in their management is the rapidity and thoroughness of reformatory effect accomplished thereby.

XXXIII. A right application of the principles of sanitary science in the construction and arrangements of prisons is a point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air and water should be afforded accord-

ing to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, bed and bedding, including sheets and pillow cases, not costly but decent, and kept clean, well aired and free from vermin; the hospital accommodations, medical stores and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.

XXXIV. The principle of the responsibility of parents for the full or partial support of their criminal children in reformatory institutions has been extensively applied in Europe, and its practical working has been attended with the best results. It is worthy of inquiry whether this principle may not be advantageously introduced into the management of our American reformatory institutions.

XXXV. It is our conviction that one of the most effective agencies in the repression of crime would be the enactment of laws by which the education of all the children of the state should be made obligatory. Better to force education upon the people than to force them into prison to suffer for crimes, of which the neglect of education and consequent ignorance have been the occasion, if not the cause.

XXXVI. As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying and vitalizing the whole. We ardently hope to see all the departments of our preventive, reformatory and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same objects, and subject to the same control; yet without loss of the advantages of voluntary aid and effort, wherever they are attainable.

XXXVII. This congress is of the opinion that, both in the official administration of such a system and in the voluntary co-operation of citizens therein, the agency of women may be employed with excellent effect.

### 8. The Needless Cost of Public Buildings<sup>1</sup>

This class of charities crowds upon the attention of public men a question which becomes every day more pressing: How shall our pub-

<sup>1</sup> Extract from Theodore W. Dwight, "The Public Charities of the State of New York," *Journal of Social Science*, II (1870), 73.



lic buildings be constructed? Shall they be palatial structures, like the Inebriate Asylums at Binghamton, which rivals in its luxurious finish the best of our city mansions, or shall they be cheaply constructed with a view to rigid economy? Without stopping to discuss this question, it is enough for the present to suggest that, whatever architectural beauty may be demanded by our growing cultivation, we should never lose sight of the principle that the chief consideration must be the greatest good of the greatest number. A most serious mistake is committed if a splendid home is provided for a few—far superior to that which the same members of the same class in society possesses—while the many remain neglected and destitute. It may be conceded that there are charitable institutions which properly require elegant and tasteful structures, but it is insisted that large expenditure for such reasons is out of place in building for the use of insane paupers. If all of this class were provided for as in the Willard Asylum, an expenditure of more than two millions of dollars would be immediately required. Let the buildings be comfortable, plain, and adapted to their wants. There is an opportunity for some skilful architect to render an essential service to the State by devising a plan for asylums of this kind, which shall be at once simple, convenient, in good taste, and comparatively inexpensive. The suggestion may be ventured that there might be established, in connection with the existing lunatic asylums of this kind, a pauper branch or division, under the general care of the Superintendent and Board of Managers. Many of the harmless insane might be placed in private families of respectable character, who might be required to make periodical returns of their condition to the Managers. Thus for a comparatively small expenditure the whole of this class might receive suitable care from the State, and be altogether withdrawn from the counties where they are now, with few exceptions, utterly neglected.

#### 9. Review by the Rhode Island Governor<sup>1</sup>

I beg leave to submit the following "Report" relating to the State Beneficiaries at the various institutions for the care of the Insane, and for the education of the Deaf, Dumb, Blind and Idiotic in our own State as well as in the States of Massachusetts, Connecticut and Vermont.

<sup>1</sup> Governor Seth Padelford, "Report on the State Beneficiaries: Deaf, Dumb, Blind, and Insane, Made to the General Assembly at Its January Session, 1871." *Acts and Resolves of the State of Rhode Island* (1871), Appendix 7.

The total expenditures for the support of persons belonging to, and sent from, Rhode Island for the past year are as follows:

At the Butler Hospital for the Insane.....	\$ 9,530.77
At the State Lunatic Asylum, Taunton, Mass.....	225.00
At the State Lunatic Asylum, Worcester, Mass.....	648.90
At the Vermont Asylum, Brattleboro, Vt.....	2,750.68
Supported in private families in this State.....	130.00

Total for the Insane.....	\$13,285.35
For the education of the Blind, at the Massachusetts Institution, Boston.....	\$ 2,400.00
For the education of the Deaf and Dumb, Hartford.....	738.21
For the Idiotic, at the Institution, Boston.....	300.00

Total for the Deaf, Dumb, Blind and Idiotic..... \$ 3,438.21

In the summer I visited the Vermont Institution for the Insane at Brattleboro', where the State has supported twenty-four patients, male and female, during the year 1870. Some of these have been there fifteen years. I saw all of these patients, who appeared to be well taken care of, and made as comfortable as circumstances would admit. The institution contains upwards of five hundred patients, is pleasantly situated near the town of Brattleboro', and is surrounded by extensive grounds. A more healthy spot could not well be found or one better adapted for the care of the insane. In October last, two of the patients supported by this State made their escape and have not since been heard from.

All the patients at this institution from Rhode Island have recently been removed to the State Farm.

I also visited the Massachusetts State Lunatic Asylum, at Worcester, where we had at the beginning of the year eight patients. One was admitted during the year. All these patients have been transferred to the State Farm.

At the State Lunatic Asylum at Taunton, Massachusetts, where they had been several years, we had three patients, who have also been removed to the State Farm.

The indigent insane, as you are aware, have been supported as far as possible at the Butler Hospital in Providence, but with its limited accommodations it has only been able to accommodate about two-thirds of the insane of the State, the remainder have been sent to the institutions before mentioned. It is an institution, too, for the cure of

the insane, and its usefulness would be greatly checked if it were filled with paupers, incurably insane.

It hardly seems necessary to enter into any particulars regarding this excellent and well-managed institution, with which many of you are well acquainted. It is visited weekly by a committee whose duty it is to see every inmate. My visits to it have afforded me great satisfaction. The annual reports of the Trustees, which are accessible to all, convey all the information that may be desired.

At the beginning of the year 1870, the State had ninety patients at the Butler Hospital, of which number fourteen were supported in part by their friends. The remainder, seventy-six in number, come under the class of paupers, and are supported in part by the State, and in part by the towns to which they belong.

During the past year, eighteen new patients have been admitted to this Hospital, and fourteen have been discharged. Of the latter, some were sent out of the State by the Commissioners of State Charities, some had improved, and others were removed by their friends.

During the month of December, all the pauper patients were transferred to the State Farm, except three. These were retained at the Hospital, as they were recent cases of insanity, had been there but a few days and required medical treatment. Two other patients have been admitted there since the beginning of the year, who it is expected will soon recover and be discharged. . . . .

There now remain at the Hospital sixteen patients.

Beneficiaries supported in part by their friends.....	16
Indigent Insane, recent cases.....	5
Total.....	21

I visited the American Asylum, at Hartford, a few weeks since, in company with the Secretary of State, on which occasion we were present at the examination of many of the classes, particularly those in which were the pupils from Rhode Island. Those who had been at the institution several years showed great proficiency in their studies, quite as much, indeed, as children in possession of all their faculties. We had at the beginning of the year five pupils at this institution. Since that time two who had been there six years have graduated, and three new pupils have been admitted, making the present number six. It is evident from our census returns that there are many deaf and dumb children of a proper age to be admitted to this excellent institution who are growing up in ignorance, who are a great burden to their

parents and who will eventually find their way to our poorhouses. With few exceptions ( and these are cases where other faculties are wanting) all who have been educated at the American Asylum from Rhode Island, are not only able to earn their own living, but several are enabled to earn sufficient for their own support and to contribute towards the support of their parents. One young man, who, besides being deaf and dumb, has but one arm which he can use, earns \$15 a week or \$780 a year, being more than his father, an able-bodied man, with the use of all his faculties can earn. . . .

A few weeks after our visit to Hartford the excellent Superintendent of this Institution, the Rev. Collins Stone, was accidentally killed within the streets of that city, when crossing a railway. Many of the members of the General Assembly will remember the visits of this gentleman to Providence, to exhibit his pupils before them, for the purpose of extending a knowledge of the institution over which he presided, and the great advantages furnished to the deaf and dumb. He had been for many years connected with the American Asylum, and was considered a most efficient officer. His son, who for several years was a professor here, and more recently the head of the Michigan State Institution for the Deaf and Dumb, has just been appointed to the place made vacant by the death of his father.

We visited the Perkins Institution for the Blind, at South Boston, where the State had, at the beginning of the year, seven pupils. Three have since been admitted. . . .

The report of the Superintendent of this institution on the general conduct of these pupils is very satisfactory. Those who have been some time at the institution have made great progress in their learning, and stand high in their respective classes. The highest point which can be attained on the class roll is ten. Three reached this point, while the average of the eight pupils who had been under instruction more than a year was 9.68. I doubt whether any school in the State can exhibit a higher average than this. Three of the scholars, John Vars, John Pengally, and Miss Brownell, all of Newport, are reported by Dr. Howe, the Superintendent of the Institution, as persons of uncommon merit and promise. John Vars is one of a small class selected to receive a classical education, provided funds can be raised either from public or private sources to defray the expense. He has been at the Institution seven years, which is the full term that pupils can be supported at the expense of the State. It is to be hoped that an effort may be made by the people of his native city to give him a classical education. Miss

Brownell is a proficient performer on the piano, and is now able to earn her living by teaching music.

At the Massachusetts School for Idiotic and Feeble-minded Youth, in Boston, is the unfortunate child, Emma Ray, who is deaf, dumb and blind. No faculty has yet been developed in her with certainty. There are, however, indications that sounds have, on some occasions, been perceptible to her; and it is hoped that within a year or two, if dormant faculties exist, they will be recognized, so that an effort may be made for their development.

#### 10. Pauper and Destitute Children<sup>1</sup>

The board has heretofore, in its reports to the legislature, referred to the pauper and destitute children of the state, and submitted its views and recommendations as to the best methods of providing for their care. Its inquiries having, however, been restricted to public institutions, the information thus obtained has not been as full as desired. The last legislature by section 7, act chapter 571, before referred to, authorized these inquiries to be extended so as to include private institutions, and also directed the board to furnish in tabulated statements the number of such children in the several counties of the state, with such particulars as might be deemed proper.

The board took measures at an early day to collect the information contemplated, and directed the secretary to conduct the inquiries. A form for returns as to the names, sex, age, parentage, social, physical and mental condition of this class of children, the causes of pauperism or destitution, and the length of time they had severally been a public charge, with proper instructions, was sent, on the 1st of October last, to the resident officers of the various institutions of the state having the custody of this class of persons, with a request to give the information thus desired. Answers were furnished by most of the institutions promptly. Others were addressed repeatedly before any response could be obtained, and a few institutions have failed to make the report required by the statute. The returns have been analyzed and tabulated under the direction of the secretary, and the results are given in Table I.

It will be thus seen that there were fifteen thousand six hundred and sixty-eight (15,668) pauper and destitute children under the pro-

<sup>1</sup> Extract from *Seventh Annual Report of the State Board of Charities of the State of New York* (1874), pp. 39-44.

tection of the various charitable institutions of the state, October 1, 1873, of whom nine thousand and fifty-nine (9,059) were males, and six thousand six hundred and nine (6,609) females. . . .

While the number is large of those who, by reason of constitutional infirmity, have an unusual claim upon our sympathies—a claim which in many instances will continue to exist through the remainder of their lives—yet by far the greater part, as will be observed of these unfortunate wards of society, possess an average measure of intelligence and are capable subjects for educational training. When we remember that

TABLE I

STATEMENT SHOWING THE NUMBER AND SITUATION OF THE PAUPER AND  
DESTITUTE CHILDREN OF THE STATE OF NEW YORK, OCTOBER 1, 1873

	Female		Total
In county poor-houses . . . . .	377	297	644
In city alms-houses . . . . .	240	131	371
In orphan asylums and homes of the friendless . . . . .	3,809	3,932	7,739
In ho-pitals . . . . .	659	375	1,034
In houses of refuge and reformation . . . . .	2,835	716	3,551
In institutions for the care of foundlings and home- less infants . . . . .	852	972	1,824
In institutions for the blind . . . . .	4	5	9
In institutions for deaf and dumb . . . . .	220	178	407
In institutions for idiots . . . . .	56	33	89
Total . . . . .	9,059	6,609	15,668

all these are growing up, under the influences by which they are surrounded, to become members of society in a few years, and numerous enough to affect its moral condition, a feeling of very grave responsibility must arise in the minds of all who have any part in the public guardianship to which they are committed.

In the year 1868 when statistics relating to pauper and destitute children were first gathered by this board, it was found that there were one thousand two hundred and twenty-two (1,222) under sixteen years in the several county poor-houses of the state. The general condition of these was very deplorable. Exposed to the most degrading associations, the innocence of childhood soon became corrupted with a taint which no subsequent moral or religious training could efface. In many of the poor-houses separate departments for the children were provided and teachers employed to give them instruction; but it soon became apparent that this promising arrangement accomplished nothing except to show that an evil which it was hoped would have been cured

had only been covered up. The schools were generally small, the hours of study brief, and the enervation which pervades the very atmosphere of a poor-house had so destroyed all ambition in the minds of the pupils, that the best efforts of the most capable teachers seemed to be well nigh thrown away.

The examination of the poor-houses in 1868, demonstrated that these institutions could not be made a fit place for the rearing of children, and the efforts of the board were early governed by that conclusion. Keepers and superintendents of the poor were earnestly urged to place children out in respectable families, and otherwise suitably to provide for them elsewhere than in the county poor-house. The boards of supervisors of the various counties have also been urged, by personal appeal or through the press, to take action in the same direction. The subject is one which the board and its officers have never lost sight of, in their periodical visits to the county institutions, and it has been presented by them whenever occasion afforded. The result thus far is that in a considerable number of counties, all the children over two years of age have been removed to asylums, or otherwise suitably provided for, by authority of the board of supervisors, upon terms generally not exceeding the cost of their maintenance in the county poor-houses.

As before stated the number of children under sixteen years in the various county poor-houses in 1868, was one thousand two hundred and twenty-two (1,222). In 1869, the returns show that it was reduced to nine hundred and twenty (920); in 1870, to seven hundred and ninety-two (792); in 1871, to six hundred and seventy-five (675); in 1872, to six hundred and seventy-nine (679); and in 1873, to six hundred and forty-four (644). Since then (October 1, 1873), all the children in the Erie county poor-house have been removed and placed in homes or asylums, thus reducing the number in the poor-houses to five hundred and seventy-nine (579).

But this number is still too large. While a considerable portion of these are infants, idiots or other defectives, for whom no other public provision is made, a great number, it will be seen, are intelligent and need proper care to fit them for their duties in life.

There can be no question that the county poor-house is an entirely unsuitable place in which to rear and educate children. Degrading and vicious influences surround them in these institutions, corrupting to both body and soul. They quickly fall into ineradicable habits of idleness, which prepare them for a life of pauperism and crime. Their moral and religious training is, in most cases, entirely neglected, and

their secular education is of the scantiest and most superficial kind. Self-respect is, in time, almost extinguished, and a prolonged residence in the poor-house leaves upon them a stigma which clings to them in after years, and carries its unhappy influences through life. If the cases in which helpless children are cast upon the charity of the county for support, by the death of father or mother, are distressing, the case of the child born in the poor-house, and who is doomed to remain in it until he becomes old enough to understand his position, is still more so.

Every child needs a home—a family home—and nothing can fully supply its place. Whatever temporary provision is made for poor children, to whom no home is left, the ultimate object should be to place them, as early as possible, in families. This result can readily be accomplished, if the county authorities set about the work in earnest, and it is gratifying to notice a general interest in the subject.

A very large proportion of the idiot children in the county poor-houses belong to the unteachable class. These are frequently subjected to inhuman treatment from those about them, who cannot recognize that their very helplessness entitles them to the greatest kindness. Every consideration of humanity, therefore, requires that this class should be removed to a separate asylum. It is believed that separate provision should also be made for epileptics and paralytics, so as to secure to them the supervision and care which their helpless condition demands.

## II. Power of the Pennsylvania State Board to Obtain Reports<sup>1</sup>

The results of our efforts, thus far, to obtain these necessary "returns" have not been satisfactory. In some instances, even the State institutions, technically so called, have furnished incomplete and even inaccurate responses; while from county prisons and almshouses, the information given to us, upon such questions as we have addressed to them, is meagre and unsatisfactory to the last degree. The chief cause of this inability to give correct returns lies in the fact that no well devised method of recording them is in use in most of the institutions. The records of many of these county charities are no more like the system which the act of the Legislature would make necessary to furnish material for the reports which it exacts, than are the loose and detached memoranda, which constitute the entire book-keeping of some careless tradesman, like the exact system of entries and balances by which the accomplished merchant preserves a perfect knowledge of his

<sup>1</sup> Extract from *First Annual Report of the Board of Commissioners of Public Charities of the State of Pennsylvania* (1870), pp. x-xi, xviii.



business, and protects himself from the possibility of undiscoverable errors.

Prefacing thus far our *Report* of the work of the Commission during its first year, the Board will state what they conceive to be their powers and their duties. The former are as full and authoritative as can be desired for the performance of the latter. They are solely, however, of a visitatorial character. They open the doors of all the charitable, reformatory and correctional institutions in the State to the inspection of the Commission, and expose, also, all the books and papers relating to the institutions to our observation and criticism. This is a large grant of power, but it is given solely with a view to impart information to the Legislature. It delegates to us no executive authority, and we would be the last to question the wisdom of so conservative an omission. It is true that many cases of obvious abuse have come to our notice, which we could have redressed, and which it would have been wise to redress, without delay or hesitation: but on the other hand, the promptings of a quick sympathy or the natural love of authority might lead to wrongs of a different, but of an equally hurtful character, with the abuses which might have been suppressed. When the wisdom which maturity insures, shall have been acquired, it may be well to invest the Commission with such judicious executive authority as may be necessary to realize the purposes of the act, under whose sanctions we exist. . . .

We are able to express with confidence the conviction that the public mind was prepared for the work of this Commission, and has fully recognized its importance. With a single exception, the numerous institutions of the Commonwealth have received us with cordial welcome, and have, in many instances, in advance of our approach, stepped forward to open to us their resources of information for the purposes of our organization. We are not only glad, but proud to be able to say that jealousy of fancied precedence, apprehension of supposed interference, or other unworthy suspicion, has not interposed to thwart the humane, the wise, the philanthropic motives which influenced the Legislature to create the Board of Public Charities.

## 12. The Attitude of the Trustees of Institutions to the State Boards<sup>1</sup>

The knowledge of specialists is so much more minute and extensive than that possessed by occasional students of the same subject, that

<sup>1</sup> Letter from Rev. F. H. Wines, secretary of the Illinois State Board, to Mr. F. B. Sanborn, on "Hospital Building for the Insane," *Proceedings of the Fifth Annual Conference of Charities* (Cincinnati, 1878), pp. 143-50.

one who is not a physician, and not a superintendent, may properly hesitate to come in conflict with the superintendents of our American hospitals for the insane, especially upon points with regard to which there is a general agreement among them.

The internal and external life of these institutions is, however, so far distinct, that persons on the outside may have even a clearer perception of their relations to governments and to tax-payers, than the superintendents themselves. The public, if it is not competent to pass upon the questions of medical treatment, involved in the care of the insane, is nevertheless able to judge of results. The ordeal of criticism through which the hospitals are now passing does not arise from any want of confidence in the medical skill or integrity of purpose of the gentlemen by whom they are managed, nor from any lack of appreciation of the great work achieved by them during the past half-century. On the contrary, the controversies which have arisen, respecting the care of the insane in this country, are, for the most part, non-medical, and therefore not beyond a layman's province or powers; while, on the other hand, they relate to the future and not to the past development of our hospital system.

The Association of Medical Superintendents of American Hospitals for the Insane,<sup>1</sup> a close corporation, is committed to a certain rigid, almost inflexible type of hospital building (which I need not describe), characterized by two prominent peculiarities, viz., uniformity, verging upon monotony, and the ease with which each individual patient may be subjected to any degree of restraint approved by the judgment of the medical officer in charge. The positions taken by the Association are: that the care of its insane citizens is properly the function of the State; that the State should make provision for all its insane; that the only qualified advisers of the State in this regard are the superintendents and ex-superintendents of hospitals; that the type of building recommended by the Association is the best and only correct type; and that, for all the insane of every State in the Union, buildings of this class should be erected. It is true that a division of opinion exists even within the Association itself, as to some of these positions; but we need not delay here to speak of it.

<sup>1</sup>[In this letter is expressed at a relatively early date the view with reference to the general question of hospital buildings for the insane that was partially embodied in the Kankakee Institution. For a full statement on this, see Mildred E. Buck, *The History of the Kankakee Hospital for the Insane* (Master's thesis in the Graduate School of Social Service Administration, University of Chicago, 1926).]

The Association has gone still further, in the adoption of that famous resolution, in which it is announced that "any supernumerary functionaries, endowed with the privilege of scrutinizing the management of the hospital, even sitting in judgment on the conduct of attendants and the complaints of patients, and controlling the management, directly by the exercise of superior power, or indirectly by stringent advice, can scarcely accomplish an amount of good sufficient to compensate for the harm that is sure to follow." A resolution, the obvious inference from which is, that the gentlemen who express this opinion either fear hostile criticism on the part of the "supernumerary functionaries" referred to, or else feel themselves to be above criticism.

I certainly do not desire to see a single symptom of antagonism between the Conference of Charities and this Association, but rather the most cordial good-will and co-operation, in every thing which concerns the welfare of the insane. But I know of no other body capable of calling public attention to the weak points in the Association's position, and of formulating a more carefully considered statement of opinion, in such a manner as to influence future legislative action, on the part of the several States represented officially in the Conference.

The inconsistency between the declaration of the Association, in 1851, that "the highest number that can with propriety be treated in one building is two hundred and fifty, while two hundred is a preferable maximum," and the declaration, in 1866, that "the enlargement of a city, county, or state institution for the insane . . . may be properly carried to the extent of accommodating six hundred patients," is so glaring that it has to be admitted. The explanation of this change of front is obscurely intimated in the clause appended to the latter of the two declarations, which is in these words: "embracing the usual proportion of curable *and incurable* insane in a particular community." This expression, pressed to its fullest extent, would mean that as many of the incurably insane in a given territory should be cared for in hospitals as of the more recent of curable cases, relatively to the whole number of each class. It is a little doubtful whether this is what the Association meant to say. But there can be no doubt that allusion is intended to the fact that, in 1851, the Association had only curable cases in its mind, and that the character of our institutions has been changed since then, so that they are now not only hospitals, but asylums as well. The great majority of the insane, now in hospitals, are cases of long standing, chronic, and absolutely beyond all rational hope of recovery.

But the deliverance of the Association on the construction of hos

pitals for the insane, which, in 1871, it re-affirmed "in the most emphatic manner," was also adopted and published in 1851, twenty-seven years ago. The whole number of insane then under treatment in hospitals, in a single year, did not probably much, if at all, exceed eight thousand: the present number must be between thirty thousand and forty thousand. This increase is attributable in but slight measure, if at all, to the supposed increase of insanity; but to the much greater proportion of chronic cases retained in custody than used to be the practice a quarter of a century ago. The inquiry naturally arises, If the nature and use of these institutions has been so greatly modified by the lapse of years, is it not possible that the time has come for a new deliverance on the part of the Association on the construction of hospitals, as well as on the proper number to be treated in a single institution? There certainly appears to the mind of a non-medical man to be some inconsistency between the admission, twelve years ago, (when the change was less marked than it now is), that such a modification had taken place, and that the proper maximum therefore required to be re-stated, and the position that no modification of the plan of construction is necessary or even desirable.

I have already said that upon this subject the Association is not a unit. The oldest members dissent from some of the propositions more recently enunciated; while the youngest members do not cordially assent to all "the former declarations." The modesty so becoming to youth, and the reverence which we, as well as they, must feel for the Nestors of the profession, induce a respectful silence upon their part. The youngest men of all, the assistant physicians, many of whom are much less conservative, are excluded from the Association by its constitution.

Neither does the Association coincide upon all points with the opinions held by the same profession in foreign lands. The entire body is waging a bitter warfare against the English doctrine of manual, as opposed to mechanical, restraint; or, as the English alienists would probably put it, of non-restraint *vs.* restraint. It is equally opposed to the British system of "commissioners in lunacy"; at least, I infer so from the language of the resolution quoted in full above.

A knowledge of these facts renders it doubtful whether "the authority of the source" from which the proposition, so emphatically re-affirmed, comes, is so unquestionable as the Association itself supposes. Nor is this remark made in any spirit of disrespect.

The Association has said (1866) that "every State should make

ample and suitable provision for all its insane"; which is almost a necessary corollary from its assertion, in 1851, that "it is improper, except from extreme necessity, as a temporary arrangement, to confine insane persons in county poorhouses or other institutions, with those afflicted or treated for other diseases, or confined for misdemeanors." With both these declarations the Conference of Charities will, I think, fully agree. The proposition that "insane persons considered incurable, and those supposed curable, should not be provided for in separate establishments," admits of more argument, but has weighty reasons in its favor. By ample and suitable provision for all the insane of any State, we must understand provision for all insane persons, curable or incurable, who have no homes, or whose presence at home would be incompatible with the physical or mental welfare, either of the patient or of his near relatives or friends, or would be such a financial burden as to reduce his family to pauperism, if compelled to maintain him.

The Association has also said that "the attempt to abandon entirely the use of all means of personal restraint is not sanctioned by the true interests of the insane." A cautious and safe utterance this, beyond all question, with which no sensible person is likely to disagree. But I have searched in vain for any expression as to the proper limit of restraint, of modes of restraint, or the class of persons requiring restraint, or for any caution against the abuse of restraint. The practice of superintendents in the use of restraint varies indefinitely, and to such an extent as to indicate a wide range of variation in the conception of the nature of insanity, and its effect upon character. This variety of sentiment is shown in details of hospital construction, in the amount of apparatus for restraint on hand, in the freedom in its application allowed to attendants, in the degree of personal liberty granted to patients, in the character of the records kept, in the conversation and manner of superintendents themselves, and in the very atmosphere of the several hospitals. *Il va sans dire*, that the noblest natures incline to the largest freedom.

It needs no argument to prove that the amount of restraint required in individual cases is almost infinitely various. There are persons, undoubtedly insane, who require no restraint whatever, and others need very little or only occasional restraint. The proportion of such cases is larger among the chronic insane than among those whose insanity is of recent origin. Hence the average amount of necessary restraint diminishes in proportion as the number of chronic, imbecile, demented insane retained in our institutions increases. It would seem

therefore as if, with the introduction of this class into the hospitals, some modification would naturally follow of the plan of construction,—some diminution in the severity of the type. The question, as it lies in my own mind, is not, whether the wards shall be detached from each other; whether cottages, as they are called, shall be built; so much as it is, whether the amount of restraint shall be graduated according to the individual requirements of each person or class of persons provided for; whether every inmate shall receive and enjoy the largest amount of personal freedom of which he is capable; and whether the principle of graduated restraint shall find expression in the building itself. Graduated restraint ought, in my judgment, to be provided for, recognized, impressed upon the mind of every officer and employee, by the very organization of the wards, whether under one roof or several. It is not possible to determine to what extent restraint may be safely lessened, nor the proportion of insane persons in any given hospital who can be trusted, under proper oversight, in wards not locked, with windows not barred, until trial of this method has been made,—any more than it was once possible to say whether it would be safe to take off the chains in which lunatics were formerly bound. Some patients can be so trusted, as all experience shows. Such patients should be so trusted, whether many or few; and the principle that “the more you trust, the more you may,” will undoubtedly be found true.

It has been objected to this view, that patients capable of so large a degree of liberty are not fit subjects for a hospital, and it has been said that they ought to be at home. But what if they have no home, except a county poorhouse? Thousands of them have none. If discharged from the institution, what becomes of the principle that the State alone can care for them properly? What if they have homes, but cannot live at home? What if, although harmless, they yet require medical oversight and treatment? This objection is almost thoughtless.

The detached ward or “cottage” has been objected to on many grounds, most of which are very largely imaginary. In spite of the adherence of the Association to its propositions, a number of superintendents have built for themselves such cottages, or have made use of old buildings for this purpose; and scarcely in a single instance have the fears expressed by the body of superintendents been realized in practice. The patients who occupy them uniformly testify to their appreciation of them. The superintendents testify that they have no trouble with patients in these cottages. But it is said that they are selected patients. Certainly they are; no one has ever suggested that

all patients or even a majority of patients could safely live in cottages. But why not carry the principle of selection farther? Why not vary the type of cottages, allowing more freedom in some, in others providing more of the paraphernalia of restraint? Why not introduce a type intermediate between the hospital proper and the ordinary private dwelling? Why not try the experiment of a nearer approach to ordinary life, on a larger scale than has yet been done?

There seems to be no inherent difference between a detached ward and one not detached, except that the former is more accessible from the open air, and can be made more homelike in appearance, and admits of the patients seeing the processes of life, such as they are accustomed to see at home, going on around them. A detached ward can be locked, if necessary; bars can be placed on the windows, if necessary; but there is smaller need of locks and bars where needless causes of irritation are removed. The proportion of attendants may be the same in detached wards; the superintendent and his assistants can visit them just as often; neither the attendants nor the patients are any less responsible to discipline, but rules are more easily enforced, on the contrary, when they are most conformable to the natural inclinations of those who have to obey them. Add to this, that the very variety of arrangement and furnishing possible in detached wards affords additional opportunity for the exercise of that great instrumentality for discipline in hospitals for the insane, transfers from one ward to another. Patients who are not capable of conforming to the rules may be re-transferred to the hospital proper; and an outbreak in the night (an event of exceedingly rare occurrence among the better class of patients) can be provided for by arranging for seclusion in each cottage. Not a convenience or comfort found in any hospital ward which cannot be provided in a detached building; but many can be furnished which are not furnished in hospitals.

It is said that cottages involve more labor than is required in hospitals on the present plan. The answer to this is that more labor can be obtained from patients themselves, living in cottages.

It is said that they cost more for construction. The very reverse is true. It may cost more to supply them with water, gas, and necessary sewerage; and to heat them, if heated by steam, which is not necessary; but this extra cost is more than compensated by the absence of those expensive basements underground, and immense attics, and thick walls, &c., necessitated by the architectural requirements of the mammoth buildings in which the American people keep their insane. In-

deed, a principal reason for trying the experiment of detached wards is, that the construction of our present hospitals is so enormously costly; and legislatures and tax-payers do not feel that they can afford to spend money as lavishly upon chronic pauper patients, as they can afford well to do where the hope of recovery exists. The Association of Superintendents professes to desire that all the insane of a State shall be cared for in properly organized and managed hospitals; and yet the principles and policy which it advocates are driving the chronic insane back into county jails and poorhouses, simply because they persist in their adherence to "propositions," framed to meet an entirely different condition of public sentiment of affairs.

It is said that they will cost more for maintenance. I reply, first, that this is not yet proven; and, second, that the cost of maintenance properly includes a reasonable percentage on the original outlay. If the cost of construction can be sufficiently reduced, the cost of maintenance will be less, even if the cash expenditure is slightly more. The difference can be but trifling, in any event; and the Association itself has said, in substance, that no necessary expense for the reasonable comfort and well-being of the insane "can be deemed either misplaced or injudicious."

We hope to try this experiment in Illinois; whether we shall or not, remains to be seen. It will depend on the action taken by the General Assembly. If tried and successful, as we trust it may be, it will mark an era in the treatment of the insane in this country.

I should have liked to add a few words on the subjects of moral treatment of insanity, and supervision of insane hospitals; but have exhausted my own time and your patience.

### 13. Benefits of Centralization<sup>1</sup>

One of the best results which has accrued by the placing of all institutions under the management of one board, is the harmony of feeling and interests now prevailing between the state and county institutions. Under the old system one board controlled the state and the other the county institutions. These boards were constantly clashing with each other upon questions of authority and as a result a spirit of hostility existed, not only between the two boards, but between the institutions themselves, extending even to the subordinates engaged by

<sup>1</sup> Extract from *Second Biennial Report of the State Board of Control of Wisconsin Reformatory, Charitable and Penal Institutions, for the Two Fiscal Years Ending September 30, 1894*, pp. 1-4.



each management, and as a result no end of ill feeling existed between the two classes of institutions, intended by the law and good judgment to work in harmony together. Under the single management all are working for the unfortunate classes committed to their care. . . .

There are in Wisconsin seven state institutions, twenty-two county asylums, four semi-state institutions, forty-nine poor houses, sixty-eight jails, one hundred and ninety-eight police stations and fifty private and benevolent institutions under the control or supervision of this Board.

The greater part of the time of the Board is required with the management of the seven state institutions, over which it has entire control, its duties with the other institutions being visitorial and advisory, the business management being vested in the local authorities.

To manage these institutions successfully requires industry and close study. A knowledge of the character and value of them can only be obtained by repeated visits and most thorough inspections. The experience thus received makes possible intelligent judgment on questions constantly arising bearing upon the management of the institution and the welfare of the inmate. . . .

When this Board first assumed its duties, nearly four years ago, a majority was imbued with the popular idea that "to the victor belongs the spoils," but after a short experience it was found that while that theory might be proper in the distribution of offices with large salaries and no special requirement, it was not a success where the salaries were small and the requirements exacting. The salaries paid employees in the public institutions of Wisconsin are smaller than in similar institutions in nearly every other state. For that reason many valuable employees are taken from our institutions by alluring offers from institutions elsewhere. The Board, so far as has been in their power with the money at their disposal, have recognized special merit by slightly increasing salaries.

#### 14. The Kansas Authority<sup>1</sup>

This Board was created by the legislature of 1873. It is composed of five members, three of whom constitute a quorum. The members are appointed by the governor, with the advice of the senate, and hold their offices for a term of three years. At the time the Board was cre-

<sup>1</sup> Extract from *Tenth Biennial Report of the Board of Trustees of the State Charitable Institutions of the State of Kansas, for the Two Years Ending June 30, 1896*, pp. 3-4.

ated, the Insane Asylum, at Osawatomie; the Blind School, at Kansas City, Kansas; and the Deaf and Dumb School, at Olathe, were placed in its keeping. Previously these institutions had been in charge of local boards. Since then the Insane Asylum at Topeka; the Reform School for Boys, at North Topeka; the School for Idiotic and Imbecile Youth, at Winfield; the Industrial School for Girls, at Beloit; and the Soldiers' Orphans' Home, at Atchison, have been established and the Powers of the Board extended to them.

By the law creating this Board, it is not only a board of control, but is a board of inspection as well. It makes the purchases for the various institutions, as far as possible, at semi-annual lettings, to which the widest competition is always invited; and, through the officers in immediate charge of the various institutions, it oversees all business transactions, and has a general supervision of all the property which the state has acquired for their successful management. This property is carefully invoiced at least every six months and all discrepancies adjusted as by law provided.

In addition, at the Board's monthly visitations, it inspects the various institutions, and advises with the officers in charge as to repairs, improvements, the proper care and keeping of the inmates, and the general supervision of the institution in their charge.

The biennial period which closed June 30, 1896, has been a very satisfactory one in all the institutions under the supervision of this Board. There has been no unusual calamity to mar their work or any great amount of sickness to worry the relatives or friends of the inmates.

Your present board assumed the management of these institutions April 1, 1895. To improve the discipline and give better results to the state, it was necessary to make many changes in those in immediate charge of the institutions and the working force under them. In these changes it has been the policy of the Board to secure the best possible service for the money expended, and the improved condition in the discipline of the different institutions, and the better results accomplished, justify fully the changes which have been made.

It would seem that the time has arrived in Kansas when the state charitable institutions should be divorced from politics. Men capable of managing one of our insane asylums, and who have made the care and treatment of the insane a study, are not readily found, and when they are, their position should not be subject to the vicissitudes of partisan politics. The attendants, or working force, in these institutions

should be selected just as the merchant, the farmer or the manufacturer selects his help, with qualification, adaptability and experience as the test. The same is true of the other state institutions. Those who secure and hold their positions through what is termed "influence" seldom contribute to the better discipline or successful management of an institution.

#### 15. The Organization of Kansas Authority<sup>1</sup>

This Board, under the law as at present constructed, has in its charge eight of the great institutions of the state, namely: Insane Asylum, at Topeka; Insane Asylum, at Osawatomic; Institution for the Education of the Deaf and Dumb, at Olathe; Soldiers' Orphans' Home, at Atchison; Institution for the Education of the Blind, at Kansas City, Kansas; Reform School for Boys, at Topeka; Industrial School for Girls, at Beloit; and Asylum for Idiotic and Imbecile Youth, at Winfield.

Since the legislature of 1897 practically abolished the board of public works, this Board performs all of the duties of that board, so far as they relate to these institutions.

Under the law, this Board is, first, a board of control, having full power to establish all rules, elect all officers and employees, make all purchases, and generally conduct all business transactions; second, a board of inspection, and, under the law, visits each institution at least once a month, and, with the advice of those in immediate charge, arranges for repairs and improvements, and everything pertaining to the immediate wants necessary for the proper care and comfort of the inmates.

The property of each institution is carefully invoiced every six months, and in this manner a complete accounting is made.

In assuming the management of these institutions, on April 1, 1897, your Board found that, owing to the inefficiency or carelessness of those in charge, many of the institutions were in bad repair and were not being conducted in a manner conducive to the health and welfare of the inmates.

In view of the fact that the people of Kansas, through their representatives, the legislature, have been very liberal in providing means, and have from time to time made liberal appropriations for improving

<sup>1</sup> Extract from *Eleventh Biennial Report of the Board of Trustees of the State Charitable Institutions of the State of Kansas for the Two Years Ending June 30, 1898*, pp. 3-4.

and adding to the efficiency of these institutions (notably in the case of the Soldiers' Orphans' Home, also at the Deaf and Dumb Institution), the failure to accomplish the results aimed at can only be chargeable to one of two things—incompetency or negligence on the part of those in control.

It is with pardonable pride that this Board is able to report at this, the close of the biennial period, June 30, 1898, that by the exercise of great care and good judgment in placing broad-gauged, competent, honest and conscientious men and women in immediate charge of the various institutions, and supplying them with bright, intellectual help, and by the exercise of good business judgment in expending the means which the people of Kansas have so liberally supplied, we have been able to raise the standard, to perfect the discipline, and to in every way improve and better the condition of the unfortunate inmates.

In this connection we desire to state that it is the fixed opinion of this Board that Kansas people are eminently qualified to take care of Kansas institutions, and acting upon this conviction we have not found it necessary to go outside the state for a single officer. The marked improvement in each and every institution more than justifies our faith in the intelligence and capabilities of the people of our great state.

Perhaps no state in the union has advanced more rapidly in population, in wealth, in intelligence and in the magnitude and extent of her institutions than Kansas. The laws governing these institutions have hardly kept pace with their advancement. They have been amended from time to time, and an attempt has been made to make them fit each new condition. We feel that existing conditions demand an entire revision, in order that they may meet the present requirements.

## 16. Orders Issued by the Wisconsin State Board of Control<sup>1</sup>

### ORDER NO. I

OFFICE STATE BOARD OF CONTROL  
MADISON, WIS., APRIL 26, 1898

For the purpose of establishing and more clearly defining the functions of the Superintendents and Wardens of the several State Charitable, Penal and Reformatory Institutions governed by the Board of

<sup>1</sup> Extract from *Fifth Biennial Report of the State Board of Control of Wisconsin Reformatory, Charitable and Penal Institutions for the Two Fiscal Years Ending September 30, 1900*, pp. 31-36.

Control, and the officers and employes therein, their relations to each other and to the Board of Control, and the tenure of their respective offices, the following order is promulgated for the information and guidance of all concerned:

*First*—Superintendents, wardens, stewards and general matrons shall be appointed directly by the Board of Control.

*Second*—The following officers shall be appointed by the Board upon the nomination of the proper superintendent or warden: Chaplains, physicians, and assistant physicians, principals and teachers of schools, assistant wardens and stewards, head engineers, and agents at the State Public School and the Industrial Schools for Boys.

The superintendent or warden may suspend any of the officers mentioned in this paragraph, and may remove any of them except the assistant warden, principal of schools, chaplain and the agents above mentioned, promptly reporting to the Board such removal, or suspensions, and the causes therefor.

*Third*.—Each superintendent or warden shall appoint, and in his discretion may remove, all other subordinate officers, and all employes, not officers, in his institution. The superintendent or warden shall monthly report to the Board, with his estimate for the ensuing month, all changes of subordinate officers during the past month, and the dates of such changes.

*Fourth*.—The regular term of office of each officer or person mentioned in paragraphs No. 1 and 2 shall be one year from July 1st next after appointment. The nominations required in paragraph No. 2 shall be submitted to the Board May 20th in each year. Appointments to fill vacancies terminate on July 1st, next after they were made, and nominations therefor shall be submitted to the Board as soon as practicable after the vacancy occurs.

*Fifth*.—Superintendents and wardens are charged with the duty of giving all subordinates in their respective institutions affected by this order timely notice of its contents.

#### ORDER NO. 2

OFFICE STATE BOARD OF CONTROL  
MADISON, WIS., JANUARY 3, 1900

A careful examination of the law fixing liability for the expense of the care and maintenance of the insane in the State Hospital and County Asylums seems to lead to the following conclusions:

## I

The only statute giving the State a right of action against individuals for such expense is Section 604*g*, R.S. It applies alike to all persons committed as insane whether inmates of a State Hospital or a County Asylum, but it only reaches the case of an inmate who has an estate sufficient to pay for his or her maintenance, the cost of which must not exceed \$3.00 per week. The judge has the power in his discretion to refuse to charge the estate for the cost of maintenance of the owner, even though sufficient for that purpose, if such owner has a parent, wife or child dependent upon such estate for future support.

If a proceeding is instituted under the above section, whether by State or County authority, it should be prosecuted before the judge in behalf both of the State and County, and his order for the payment should probably be in the name of the State and County, although perhaps action in behalf of each might be allowed.

## II

Pursuant to Section 600, R.S., the sums charged any county for maintaining a patient in the State Hospital, chargeable to it, may be collected by such county, by suit, out of the property of the patient, or from any person legally bound to support such patient. The State has no interest in, or concern with, any such proceeding. It is merely designed to reimburse the county for its expenditures for maintaining such patient in the State Hospital.

## III

If an insane person resident of and chargeable to any given county is maintained in the asylum of some other county, it seems quite certain that the county so chargeable may recover, in like manner, the sums legally paid by it for such maintenance, out of the estate of such insane person, or from any person legally liable for his or her support.

If the patient is maintained in the asylum of the county chargeable for his maintenance the recovery should be limited to \$3.00 per week for such maintenance, and in addition thereto, the cost of clothing, necessarily furnished such insane person by the county.

## IV

If the county collects a sum equal to \$1.50 per week for the maintenance of such insane patient no part of the expense of his maintenance can properly be charged to the State. If less than \$1.50 per week

be so collected the State is chargeable only for the difference between the sum collected and \$1.50 per week.

## V

Under the provisions of Section 604*d*, and 604*e*, R.S., the State is not chargeable with the \$1.50 per week specified in Section 604*d* for the care of an insane inmate of any county asylum who is a resident of the county maintaining such asylum, "whose support is not properly a public charge."

The support of any such inmate is not properly a public charge: (1) If some responsible person within the reach of the process of our courts is liable therefor, as in the case of a wife or minor child of a responsible husband or father; or (2), if such inmate has a father, mother or child in like manner amenable to the process of our court of sufficient ability under Section 1504, R.S., to maintain and care for such inmate, or (3) if such inmate has an estate sufficient under Section 604*g*, R.S., to defray the cost of his or her maintenance and care.

This paragraph applies only to the maintenance of insane inmates of a county asylum who are residents of, and chargeable to the county maintaining such asylum.

## VI

For the purpose of protecting the State from being charged for the support of insane persons for whose maintenance it is not legally chargeable, county asylum trustees are required to certify in their reports upon which State allowances, under Section 604*d*, R.S., are claimed, that after diligent inquiry they believe no such claim is made therein on account of any insane person, whose support is not properly a public charge under the laws.

Each board of trustees will also report to this Board the name of each inmate in their asylum, and in the State Hospital, chargeable to their county, for whose maintenance in whole or in part their county has been reimbursed during the time covered by their report, and the amount thus recovered on account of each such inmate.

## VII

In determining whether some responsible person is liable, or may by legal proceedings be made liable, for the support of an inmate of any county asylum who is a resident of the county maintaining such asylum, or whether such inmate has a sufficient estate to pay for his or her own maintenance, this Board does not insist upon nor desire the application of any rigid rules in favor of the State. In making such deter-

mination the officials of the asylum should consider the nature of the property of the person sought to be charged, its productiveness and the probable income which may be derived from it, the size and reasonable cost of maintaining the family of the owner and all other conditions which may reasonably be supposed to effect the liability of the owner to support such inmate. The mere fact that the cost of such support can be collected by legal proceedings against some person does not, of itself, necessarily prove that such person ought to be charged with the maintenance of such inmate and the State thereby relieved of such charge. All that the Board requires is that the asylum officials exercise a discriminating and just discretion in making their classifications of the inmates of their asylums who are residents of their county. Such is believed to be the true intent and spirit of the statute in that behalf.

### VIII

Under Section 604*f*, for all inmates of a county asylum whose support is not chargeable to the county maintaining such asylum, the State pays such county \$3.00 per week each and the amount necessarily expended for clothing them. The liability to pay this sum, and the liability of counties to refund to the state a portion of it, does not depend upon the question (as in the former paragraph) whether or not the expense of the support of such patient is properly a public charge. The obligation of the State is absolute to pay the stipulated sum for each patient of that class, and it is equally absolute that the county chargeable with the maintenance of any such inmate shall refund to the State \$1.50 per week, and the amount necessarily expended for clothing him or her.

#### ORDER NO. 3

#### COUNTY ASYLUMS FOR THE CHRONIC INSANE—DIRECTIONS CONCERNING THEIR MANAGEMENT IN CERTAIN PARTICULARS

OFFICE STATE BOARD OF CONTROL  
MADISON, WIS., APRIL 5, 1900

Although the County Asylums for the Insane are erected, organized and managed by county authority, are primarily maintained by the respective counties, and, properly speaking, are county institutions, yet because the State contributes largely toward the support of all the inmates therein and has the necessary authority to prescribe proper care and treatment of such inmates (each of whom is a ward of the State) such asylums are also in a large sense State, or quasi-State institutions.



The State exercises its functions in respect to these asylums chiefly through the agency of this Board. In the discharge of its duty in that behalf this Board has from time to time requested county asylum officials to adopt certain policies and methods of procedure in their respective asylums for the purpose of improving the condition and promoting the welfare of the inmates thereof. Such requests have the force of orders made by authority of the State, and must be so regarded. This Board has also decided to give some additional directions concerning the management of such asylums. These, with the directions heretofore given, are briefly as follows:

Asylum physicians should not be selected and contracts for the medical care of the insane awarded upon competitive bids. The Trustees should appoint some competent physician and fix his salary. The selection should be made with the care and consideration that might reasonably be expected in the selection of a family physician.

The asylum physician should visit the asylum at least twice in each week. At each visit he is expected in addition to attending to the sick inmates to examine the sanitary condition of the asylum and grounds and the condition of the patients, their health, diet, clothing and cleanliness, the work required of them and any other condition affecting their welfare and comfort. He will advise and direct the Superintendent as to which of the patients should be required to labor and the kinds and amount of work each working patient is able to perform. At each visit to the asylum the physician shall enter in a book, furnished by the Superintendent, the date of his visit, the name, age, and malady of each patient treated by him, the treatment prescribed and the name of each patient he has advised the Superintendent should not be required to labor. At least once in each month the physician should also enter in said book statements of the sanitary condition of the institution, and the general condition of the patients in respect to matters herein mentioned. He is invited to enter therein any suggestions he may think proper to make for the improvement of the institution and the promotion of the welfare of the inmates. Such report book should be properly ruled and the required entries affecting individual patients should be made under the following heads:

Date of Visit	Name of Patient	Age	Malady	Treatment	Remarks
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Patients excused from labor may be named in the second column or under the head of "Remarks." A separate portion of the book may be set apart for the monthly report above mentioned.

## II

Each County Asylum shall have upon its staff of employes a female night attendant who shall be constantly on duty during each night in the apartments occupied by the female inmates. Such attendant shall make a daily report to the Superintendent, to be written in a book provided by him for that purpose, stating the name of each patient who was sick or disturbed during the night, the nature of her sickness or cause of her disturbance and what was done for her relief; and stating also any unusual occurrence in the female apartments during the night. The Superintendent should see that this rule is faithfully complied with. The reports of the physician and female night attendant shall be kept by the Superintendent for the inspection of all persons entitled to see them.

## III

The Trustees of each County Asylum are required to employ and keep on duty a competent night watchman at their institution through each night during the whole year.

When it is considered that each of these institutions is inhabited by from one hundred to one hundred and fifty, and more, irresponsible persons, many of them prone to mischief, and nearly all incapable of self preservation in case of fire or other peril, it seems absolutely necessary to their proper protection that some intelligent man in full possession of his faculties be with them and upon the grounds of the institution constantly.

## IV

Regulations for ascertaining the amounts chargeable for clothing furnished by the Trustees of any County Asylum to the inmates thereof, a portion of whose maintenance is charged to counties other than that in which such asylum is situated, or wholly to the State, pursuant to Section 604f, R.S.

1. An accurate account shall be kept of the clothing furnished each such inmate and the same shall be charged to the proper county, at the actual cost thereof. The asylum authorities are expected to use reasonable diligence to make purchases of such clothing in the cheapest available market.

2. Clothing accounts made pursuant to Section 604f, R.S., must be verified by the affidavit of the proper Superintendent (or in case of his inability, by a Trustee) substantially in the following form:

STATE OF WISCONSIN }  
 \_\_\_\_\_ COUNTY } ss.

———, being first duly sworn, deposes and says that he is the Superintendent (or a Trustee) of the ——— County Asylum for the Chronic Insane and has the keeping and custody of its accounts for clothing furnished the inmates therein, that the above and foregoing statement of clothing account charged to other counties, or to the State is accurate and just, that the value of such clothing so chargeable necessarily furnished each inmate of said asylum during the fiscal year ending Sept. 30th. ———, and the sums necessarily expended therefor are correctly stated therein and that no part of such sums has been paid or previously audited.

Subscribed and sworn to before me this ——— day of ———

*Notary Public.*

3. The Board of Supervisors of any county charged with a portion of the expense of maintaining any person or persons in the Insane Asylum of some other county may at any time request the Trustees of such asylum to furnish it with an itemized account of the articles and cost of clothing furnished such person, and such Trustee when so requested will be expected to promptly furnish the same. The Board of Control will adjust any controversy as to the accuracy of such account.

## V

If the County Asylum and the County Poor-House are under the same management, the salaries and wages of all officers and employes whose duties are common to both institutions should be apportioned to such institutions on the basis of the average population of each. The monthly report of wages and salaries should be made, and the per capita cost of maintenance in the annual report should be computed on this basis.

There shall also be kept an account of all the products of the asylum farm used or consumed in the asylum, or disposed of and the proceeds so used. The fair market value thereof, or the money received from the same and so used in each year, shall be deducted from the annual interest at 4 per cent. of the cost of the asylum plant and equipment, excluding cost of poor-house and equipment, if there be a poor-house under the same management. The balance represents the net

annual interest on the investment at 4 per cent. This balance should be included in the current expense account of the asylum upon which the per capita cost of maintenance is computed.

## VI

Section 601, R.S., provides that every female over ten years of age committed to any hospital or asylum for the insane shall be accompanied by a competent female. This Board has been astonished to learn that this most salutary law, demanded by common decency for the protection of helpless insane women from possible outrage or neglect, has recently been disregarded in two instances, in each of which an insane woman was brought to the hospital, in one case by a sheriff alone, and in the other by the sheriff and a male assistant only.

Failure to obey this law cannot be tolerated. Hence, superintendents of hospital and asylums are directed to report any such failure to this Board with the name of the delinquent officer, to the end, that a representation of the facts may be made by this Board to the authority having power to remove such officer.

The above directions were adopted and ordered printed and distributed April 14th, 1900.

### 17. The State Prison<sup>1</sup>

The first *Report* on the State Prison was submitted by a supervising board known as the Board of Visitors, and was published in 1806; the title of the principal officer was then superintendent. A few years after the establishment of the prison the name of the board was changed to that of directors, and the office of superintendent was superseded by that of warden. This board was succeeded in 1828 by a board of three inspectors, who continued to supervise the affairs of the prison until 1879, when the Commissioners of Prisons, created by a statute of that year, were given that authority. The Commissioners of Prisons are now succeeded by a new Board of Prison Commissioners, established by chapter 364 of the Acts of 1901. This new board, in addition to having the general powers of supervision which have been exercised by all the boards in turn, has the power of appointing the warden whenever a vacancy shall occur in that office. Since the establishment of the prison the warden has been appointed by the Governor.

The General Court of 1901 passed an act permitting the employ-

<sup>1</sup> Extract from *First Annual Report of the Prison Commissioners of Massachusetts for the Year Ending September 30, 1901*, pp. 3-5.

ment of convicts in the State Prison on any part of the premises of the institution.

Another act removed the restriction as to the imprisonment therein of United States prisoners. Formerly only such of these prisoners as were convicted in the courts of the United States held within the district of Massachusetts could be sentenced thereto; but now the prison may receive such convicts from any district. This amendment is in harmony with the statutes relating to all the other prisons in the state. . . .

The law relating to the custody of prisoners held to await the execution of the death sentence has also been amended. When this act was passed the custody was restricted to one place, but it is now provided that if the execution is respited, or otherwise delayed by process of law, the warden may confine the convict in one of the cells of the separate prison.

There has been no change in the principal officers of the prison during the year ending Sept. 30, 1901. A full list of the present officers of the prison will be found in an appendix to the warden's *Report*, which also contains detailed financial statements. The maintenance account shows a balance of \$151,232.81, which should be reduced by the amount of the net earnings \$11,161.76, to obtain the actual cost of support, which is \$140,071.05. In the tables following the warden's report are full particulars concerning other matters relating to the prison.

As compared with last year, the prison population is slightly diminished. On Oct. 1, 1900, there remained in custody 854 prisoners. During the year 159 were received under sentence from the courts, 3 were returned by order of the Commissioners of Prisons, and 1 by order of the Governor for violation of the permit to be at liberty. There were discharged by commutation of term sentence for good behavior, 27; and on expiration of term sentence, 4; by expiration of the minimum term under the indeterminate sentence law, 97; and by expiration of the maximum term, 4. One sentence was vacated by order of the court, 6 prisoners died and 6 were pardoned. One habitual criminal was released by the Governor and Council, 4 prisoners were released on parole by the commissioners, 18 were removed to the insane asylum, 1 to the Massachusetts Reformatory and 2 to the State Farm, leaving 846 in custody at the close of the year. The average number for the year was 847.

The number of recommitments last year was 24, and of these, 4 were prisoners sentenced for the third time. A reference to the table of

details of these commitments shows that in three of the four cases prisoners were sentenced from the same county every time they went to the State Prison; and it must have been known that they were amenable to the penalty of the habitual criminal law. Attention is drawn to this fact merely for the purpose of showing the continued inequality in the administration of this law.

At the date of this *Report* 609 of the prisoners are engaged on the productive industries and 206 on miscellaneous domestic work about the prison. The remaining 31 are unemployed, being either confined in the cells of the separate prison or in the hospital.

The State account industries consist of making boxes, brushes, harness, shoes and trunks. About 100 prisoners are employed in making clothing, for public use, of the cloth which is manufactured at Concord; and the hand-made shoe industry also employs a considerable number. The only other work done here for public institutions is that of weaving cotton cloth.

The prison is now in good condition, the convicts are kept well employed, good discipline is maintained, and all parts of the prison show the careful attention to details which has characterized the present administration.

### 18. The Reformatory Prison for Women<sup>1</sup>

The Reformatory Prison for Women was established in 1877, and was then under the supervision of the Board of Commissioners of Prisons that was created in 1870. A few years after the establishment of the prison the old Board of Commissioners was abolished, and a new board was created by an act of 1870; this new board continued to supervise the affairs of the prison up to last May, when it was succeeded by the Prison Commissioners, which, in addition to the authority heretofore exercised by the supervising board, will appoint the superintendent whenever it shall be necessary to fill that office. No other change in the law relating to this prison has been made during the year ending Sept. 30, 1901, nor has there been any change in the principal officers. A list of officers, with rank, date of appointment, salary, etc., will be found in the appendix to the superintendent's *Report*. In the appendix are also presented full details concerning the prisoners committed to the prison, together with a statement of the financial affairs.

<sup>1</sup> Extract from *First Annual Report of the Prison Commissioners of Massachusetts for the Year Ending September 30, 1901*, pp. 43-44.

The expenditures for maintenance in the year ending on September 30 amounted to \$53,857.95, and the receipts from small sales of vegetables, etc., and for board of United States prisoners, amounted to \$2,693.68, leaving a balance of \$51,164.27. This balance should be reduced by deducting the earnings from the industries, which were \$9,710.55, to obtain the actual net cost, \$41,453.72.

At the beginning of the year covered by this *Report* there were in custody 240 prisoners. During the year 220 were committed by the courts, 6 were transferred from other prisons and 1 was returned from the insane asylum, making the whole number in custody during the year 467. Fifty-nine prisoners were discharged by expiration of sentence, 77 were given permits under the law which commutes a sentence for good behavior, 84 were released by the commissioners under the statute which authorizes special permits, 1 prisoner was transferred to another prison and 2 prisoners died, leaving 244 in custody on Sept. 30, 1901. The average number in custody was 236, but as all the time some prisoners were absent on indenture, the average number in the prison was only 223.

The principal industry here is that of making white shirts, which are sold on the market by an agent appointed by the superintendent for that purpose. Other work is provided in the laundry, in the dairy and on the farm. In addition, some employment is found in the sewing room in miscellaneous sewing for the institution and in making certain articles for public use. In the last two years the superintendent has made some progress in establishing a sewing class, and it is hoped that this plan may be fully developed, as it furnishes valuable instruction.

The prison buildings are in good condition generally, but are in need of repainting, as stated in the superintendent's *Report*. It is recommended that a special appropriation of \$2,500 be made for that purpose. The addition of the store-house which is now under construction will add to the convenience and economical management of the place. In every respect the prison has been kept up to the high standard that it has heretofore maintained.

### 19. The Cost of Care of the Insane<sup>1</sup>

The cost of the insane to the State seems large because it can so readily be estimated, being provided wholly by the State, and not, as

<sup>1</sup> Extract from *Tenth Annual Report of the State Charities Aid Association of New York to the State Commission in Lunacy, November 1, 1902*, pp. 30-32, 38-30, 51-52.

in other cases, from various sources. That it is not large in comparison with the cost of the county, city and town almshouse institutions and the private and semi-private charities in this State, will be seen by the following statements.

The so-called almshouse institutions, as already stated, are divided into two classes; first, county almshouses; second, city and town almshouse institutions, including public hospitals. On September 30, 1901 there were, in all the institutions of these two classes, 12,879 inmates. These institutions had spent for the maintenance of inmates during the year which ended on that date, \$2,369,678.30. On the same day there were 22,654 patients in State Hospitals for the insane (excluding the criminal insane), and the cost of their maintenance for the year had been \$3,766,615.49. With nearly twice as large a population as the almshouse institutions, the State Hospitals had spent only one-half as much again for maintenance as the almshouse institutions. The only conclusion to be drawn from such a comparison is that the tax payers of the State are paying a larger average rate through county and city taxation for almshouse paupers and city hospital patients than through State appropriations for the scientific and curative treatment of insane patients in State Hospitals.

In the field of charity, the class which approximates most nearly to the insane in the character of the treatment required, is hospital patients. There are more than eight thousand hospital patients in private institutions in this State, and these institutions spend annually over six millions of dollars, received from private and public sources. With about a third of the population of the State Hospitals, they spend considerably more than a third as much again for the care of their patients.

It should be remembered that while the total expense of the insane for all purposes is ordinarily less than five millions of dollars a year, in the field of private charity, assisted in some cases by public funds, over six millions a year is spent for hospital patients; over six millions for the support of institutions for children; and over two millions for homes for the aged. When these facts are considered, it is possible to understand how comparatively low is the per capita cost of caring for the insane. . . .

#### IMPROVEMENT OF HOSPITAL INDUSTRIES

The influence upon State Hospital patients of pleasing surroundings and congenial occupations is regarded as among the chief means of securing their improvement and cure. It would seem possible to co-



ordinate somewhat more perfectly these two methods of moral treatment by providing for some of the patients agreeable occupations, which would also directly contribute to the beauty and comfort of their surroundings. Many of the patients in all State Hospitals show surprising proficiency in the making of baskets and mats, rag carpets and rugs, in embroidery, fancy sewing, and lace making, but either they, or those who direct them, seem to lack good judgment in the selection of materials and designs. The results of their work show great skill and industry, but are seldom beautiful.

The remarkable development in recent years of the textile industries, and the increasing attention paid to the improvement of home manufactures through the introduction of sound principles of art into the crafts, should also make its influence felt in the industrial departments of our State Hospitals. The now famous "Deerfield industries," similar to those mentioned above, are carried on to a large extent by elderly women of little training in their own homes, and are an example of what may be done if such work is properly inspired and directed. Industries similar to those at Deerfield might with great advantage be introduced in our State Hospitals. Several of the hospitals have hand looms, and if proper methods were employed and the right materials selected, beautiful rag carpets and rugs in artistic shades could be easily and inexpensively produced for the wards and corridors, and would add greatly to the warmth and comfort and homelike appearance of the interiors. The simple and beautiful designs for table covers, curtains, cushions, and other furnishings, which are now readily procurable and easily worked, could be employed for the further beautifying of the wards. The making of straw hats might be introduced in the basket department. The making of chairs, tables, and other articles of furniture, according to the artistic and yet simple designs which are now much used, would seem to provide a suitable industry for many of the more careful and intelligent men patients.

We would suggest that a teacher, well versed in the arts and crafts suitable for introduction into our State Hospitals, be employed by the State to visit the different institutions and instruct a selected number of employees and patients in the manufacture of beautiful and useful objects. Patients who were subsequently cured and returned to their homes might find the pursuit of the crafts thus learned a means of self support, as the supply of such products is not yet equal to the demand, and the prices which they command are still very high. The introduction of such industries in the State Hospitals would certainly benefit

the patients and improve the appearance of the institutions, and might at the same time result in considerable financial saving to the State.

. . . .

#### EMPLOYEES

And here we would quote the following taken from the (N.Y.) Lunacy Commission's Twelfth Annual Report at page 24:

It is not generally understood why there should be such a disproportion between institutions for the insane and other charitable institutions, in the item of wage expenditure. It is frequently a matter for criticism by those not fully informed, that such comparatively large numbers are employed. An analysis of the wage account will show that 60.60 per cent. of the persons employed are personal attendants upon the inmates. No feature of insane hospital administration is more susceptible to change, or more easily disturbed by reduction, than the ratio of attendants to patients; and no feature has received more attention and study for its proper adjustment. The chief element of success in the modern treatment is the personal one, taking the place of and improving upon mechanical restraint, the camisole, the straight jacket, the muff and the padded room. Violence and punishment have been abolished only by the increase in the number of trained attendants and nurses, and with a reduction they will again appear, whatever other methods may be substituted. Nothing can take the place of the trained attendant, and careful data have substantially fixed the proportions needed. Hence an appreciation of these facts will explain what may seem undue employment. It is sometimes thought that a large hospital, by permitting a more extended classification, may reduce its ratio of attendants, but this is not true in any appreciable degree, for in mixed wards the number of attendants is governed by the average amount of personal care required by its patients. An average of the symptoms or characteristics of all the patients in a given hospital, which require personal attendance, will give the ratio of attendants needed, as surely as a limit of nutrient value is needed for a given number of persons of a certain energy.

The hospital economies have gradually led to an increase of employees, either to avoid waste or to produce at a profit to the institution. Instances might be multiplied where intelligence has been substituted for expenditure, and more might be done in this direction. As an instance, the employment of a skilled man to supervise the fires of a large battery of boilers, where careless or unskilled firing would result in a great loss, saves in fuel several times more than his salary. In like manner a skilled chef reduces food waste far in excess of his wages; and a trained gardener gains a product for the institution which is worth many times his cost. The need for a skilled medical service adds to the wage account an item not required in the same degree by other charitable institutions except hospitals, although the per capita cost of medical service is but \$11.73 a year. The large item is, as

first stated, for attendants and this cannot be safely reduced if the present humane care of the insane is continued. It was formerly the custom to seclude the insane in their room at night without attendants, and the result can well be imagined. This has been replaced by night attendance and supervision with provision for meeting all the personal wants of patients at night, thus insuring cleanliness and sanitation as well as avoiding to a very large degree the distressing casualties formerly so frequent.

## 20. Co-operation between the Public Authority and the Private Organization

### A. THE WORK OF THE STATE CHARITIES AID ASSOCIATION<sup>1</sup>

As has often been the fact in regard to other social and political reforms, Massachusetts took the lead in placing her institutions of charity and benevolence, generally, under the supervision of officers appointed by the State. The utility of that supervision was soon demonstrated; and the State of New York very soon followed her example. In 1867, a law of New York provided for the creation of State Commissioners of Charity, with limited powers, which have since been greatly enlarged. There is now in New York a State Board of Charities. The utility of such concentration of authority and general supervision has not been less in New York than in Massachusetts. The investigations and reports of these Commissions have been salutary in many ways. By pointing out defective and expensive methods of administration, they have caused those more efficient and economical to be substituted. By means of exposing abuses and rebuking their authors, they have promoted great reforms. Among those abuses were allowing old and young, males and females, the sane and the insane, the unfortunate and the degraded, to be brought into demoralizing association. But perhaps the greatest good of all, which has been accomplished mainly through the publication of the annual reports, has been the arousing of the intelligent and public spirited classes to a better appreciation of the essential evils flowing from the demoralized poor, and of the solemn duty and need of individual effort for the removal of these evils.

It soon, also, became apparent that there were both abuses and sufferings, for the relief or removal of which, no mere official action was adequate. Beside, there was danger that official action might more and more tend to become timid and perfunctory. The jealous and passive

<sup>1</sup> Remarks of Mr. D. B. Eaton, from his own "Notes and Recollections," *Proceedings of the Conference of Charities* (Detroit, May, 1875), pp. 105-7.

resistance of organized institution of charity, as well as the great power of partisan combinations, with which the action of the Board might interfere, threatened to be serious obstacles to a complete reform.

An appreciation of these needs and perils led to the formation of "*The State Charities Aid Association*," in May, 1872. It has had, from the beginning, among its leaders and workers, some of the most gifted, patriotic and benevolent men and women in the State. Chief among these women—and, from the first, the Association has been substantially managed and its manifold work of beneficence has been mostly done by women—is Miss Louisa Lee Schuyler. She had had ample experience, in similar labors for the public good, in the sanitary commission, during our late war, and she has, as a leader and President of the Association, had the advantage of the advice and sympathy of Florence Nightingale.

I can refer, only in the most general manner, to the abounding and beneficent labors and influences of this unique Association.

In the first year of its work it fearlessly exposed and censured the chronic and shameful abuses of the poor-law administration of the county of Westchester—one of the leading counties of the State in which Miss Schuyler and some of her leading associates resided. How the young and the old, the sane and insane, the unfortunate and the degraded, the drunkards and the temperate—were herded together—were demoralized and neglected—were poorly supported at a needless expense and were tending to develop a hereditary-pauper class—was set forth in able reports which created a sensation throughout the State. These ladies, accustomed to cleanliness and elegance at home, visited the roughest inmates and the most neglected quarters of the poor-houses and institutions of charity.

As might have been expected, the officers, the physicians, the matrons, the nurses, the keepers, the cooks, the chambermaids, such as they were—and a partisan, ignorant, shabby set in the main they were—of the county, were indignant, if not furious. The doors were soon closed against the ladies, and all members of the Association. But the press opened fire—the higher sentiment of the county and the State was aroused. They were more than a match for the corrupt partisan officers. It was not long before the bad officers were dropped and better officers and employees were elected or appointed. The doors were again opened to the Association, and those who had been rudely repulsed were welcomed to the poor-houses and charity institutions of Westchester county, and their advice was accepted. The poor-law ad-

ministration of the county was made more worthy of a civilized and Christian people.

The Association then directed its attention to the city of New York, where there was not less need of its influence. Some of the best men and women of the city joined those who had gained the victory in Westchester county. But in New York, as in that county, the personal visitations of poor-houses, asylums and hospitals were mostly made by the women. The labor, sacrifices and devotion of some of them were very great, and marked improvements in the administration quickly followed. Officers who had gained their places by the victory of a great party recognized a new and higher influence, which they dared not disregard even if they wished to do so. It was a striking illustration of the moral power of a few refined women, guided by a noble spirit. The exertions of the Association were soon extended to the city of Brooklyn, and throughout the county of Kings, with very salutary results. Nor did they stop there; for they have been extended throughout the more populous portions of the State. There are now local organizations, in large measure under the management of women, having the same aims as the parent organization, in, I think, about half the counties of the State. Some of them act independently; but at least sixteen of them are in some measure under the advice of the parent association. They are all, in a certain way, subordinate to the *State Board of Charities*; and yet, in a way, they are also independent and aggressive. They everywhere develop and lead on that intelligent and patriotic spirit which demands energy and courage in public affairs, and honesty and economy in the administration. No one can study the history of these associations without being impressed with these two facts: first, that there is a great need of bringing private advice, consolation and co-operation to bear upon the poor-law administration; secondly, that there is in the community, and especially among the women, a vast amount of unutilized capacity and readiness for labor and sacrifice in this field of usefulness. If such organizations could be formed and maintained, in courage and vigor, in every city, village and town in the country where there are paupers, there is every reason to believe that some of the most ominous features of the question of the poor-law administration and the pauper class would speedily disappear. Nor would this be the only gain; for those who stood for honesty, economy, general intelligence and good morals, would be greatly cheered by more decisive evidences of their numbers, their power, and their patriotic courage and ability to do good.

So strong for good had these associations already become, that in 1873, they procured the passage of a law which largely increased the authority and duty of the *State Board of Charities* itself. Among the provisions of this law was one authorizing the Board to appoint agents throughout the State with authority to visit, inspect, and report, upon the condition and management of poor-houses, asylums, hospitals, etc. The representatives of the associations have been appointed to the most responsible duties as such agents. It was the Association in New York which founded in that city the first school in this country for training and educating nurses. It has been fairly endowed by private subscription, and is now aided by public authority. Some of its graduates are now rendering invaluable services in the hospitals; and schools for educating nurses, formed upon the same model, having been already founded in Boston and Philadelphia. Perhaps enlightened philanthropy has never, in our country, taken a form which affords a higher guaranty of incalculable good, than as illustrated in these schools for educating nurses, who shall be competent for every duty of their responsible calling.

In the hospitals for the sick and in the asylums for the insane—or more especially in the jails and poor-houses where the insane have been so disgracefully allowed to remain—the power and beneficent influence of these associations have been felt. But it is only in the reports of the Association itself, which can be had at its office, (52 East 20th Street, New York City), that any adequate idea of their usefulness and of the grave abuses they have confronted and in part removed, can be obtained. To these reports I invite the attention of the benevolent and the patriotic throughout the country. The expense, the numbers, the insolence and the perils of our dependent classes are on the increase; and they are tending to become hereditary. The fact that most of our paupers are of foreign birth, in view of such facts, is but poor consolation, and is no excuse for that neglect of them which threatens a prolific home production and a fearful increase of the evils of partisan politics, excessive taxation and political immorality.

B. PUBLIC POWERS GIVEN TO THE STATE CHARITIES  
AID ASSOCIATION<sup>1</sup>

*The People of the State of New York represented in Senate and Assembly,  
do enact as follows:*

SECTION I. Any justice of the supreme court of the judicial district within whose boundaries any of the public charitable institutions of the state hereinafter referred to is located, is hereby authorized to grant on written application of the board of managers of the "State Charities Aid Association" (a corporation organized under chapter 319 of the *Laws of 1848*, and amendatory acts), through its president or other designated officer, to such persons as may be named in said application, orders for the purpose of enabling them or any of them to visit, inspect and examine in behalf of said association, in the county in which the visitors so appointed shall reside, any of the county poorhouses and town poorhouses and city almshouses within the state, and located within such judicial district. Each of such orders shall specify the institutions to be visited, inspected, and examined, and the names of the persons by whom the visitation, inspection and examination are to be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

SECTION II. It shall be the duty of any and all persons in charge of each and every poorhouse or almshouse embraced in the order specified in the first section of this act, to admit any or all of the persons named in the said order of the justice of the supreme court into every part of such institution, and to render the said persons so named in said order every facility within their power to enable them to make in a thorough manner their visit, inspection and examination, which are hereby declared to be for a public purpose, and to be made with a view to public benefit. Obedience to the order herein authorized shall be enforced in the same manner and with like effect as obedience is enforced to an order or mandate made by a court of record.

SEC. III. It shall be the duty of the said corporation to make an annual report to the state board of charities.

<sup>1</sup> "An Act to Confer upon the State Charities Aid Association the Power to Visit, Inspect and Examine Any of the State Charitable Institutions, County Poorhouses and Town Poorhouses and City Almshouses within the State," *Laws of the State of New York* (1881), chap. 323.

## 21. Suggestions for Visitors to State Hospitals for the Insane<sup>1</sup>

1. *Buildings*.—Observe the general plan of the hospital, noting the location, plan of construction, and arrangement of the different buildings with reference to the purposes for which they are used. Give the number and kinds of buildings erected and completed during the year, or in course of construction, the extraordinary repairs to buildings, and other important improvements begun or completed during the year.

2. *Colonies*.—If there are agricultural or other colonies connected with the hospital, study the operations of such colonies.

3. *Farm and Garden*.—State size and character of farm and garden; amount and variety of farm and garden products; ratio of farm and garden products to total consumed by hospital. State size of herd and amount of milk raised; size of hennery and number of eggs and fowls raised. State quantity of fruits and vegetables used for canning.

4. *Capacity and Census*.—Ascertain the certified capacity of the institution and compare this with the actual census. Observe whether there is over-crowding, and, if so, among what classes of patients it is most noticeable.

5. *Medical Service and Treatment*.—Observe the number and character of the physicians, the ratio of physicians to patients, the nature of the medical work, the methods of examining and recording cases, the frequency of staff meetings, the methods followed in assigning the medical work to the physicians, the non-medical work required of physicians. Inquire into the facilities and equipment for medical work, including surgery, electrotherapy, hydrotherapy, etc., and the extent to which the patients receive treatment in these departments. Study the methods of prescribing, dispensing and administering medicine, of artificial feeding or forced alimentation, of providing extra or special diet for the sick, and the methods of insuring its reaching those for whom it is ordered.

6. *Nurses and Attendants*.—Observe the nurses and attendants, the amount and character of their work, the ratio of these employees to patients, their compensation, their privileges, the extent to which they are provided with lodgings apart from the wards. Study the operations of the training school, including the number of pupils in the

<sup>1</sup> From *Fourteenth Annual Report of the State Charities Aid Association of New York to the State Commission in Lunacy, November 1, 1900*, pp. 64-67.



school, the number of graduates of the school in the employ of the hospital, and the methods of instruction.

7. *Instruction and Entertainment.*—Observe the facilities provided and the methods employed for the instruction and entertainment of the patients, including school instruction, formal entertainments, dances, bands of music, games, books and papers, drives, walks and boat rides, gymnastics, the cultivation and enjoyment of flowers, the celebration of holidays, etc.

8. *Religious Worship, etc.*—Inquire into the opportunities for religious worship, the provision made for the spiritual needs of the seriously sick and dying, the arrangements for burial, etc.

9. *Occupations.*—Note the method of employing patients, the number and kinds of industrial occupations, the number of patients regularly employed in each, the number of working hours per day, the provision made for medical supervision of the patients employed, of the selection of occupations for individual patients, and of the number of hours each should be employed.

10. *Restraint.*—Observe the methods of restraining or secluding excited patients and the number on the date of visitation under restraint of any kind. Examine the record of restraint.

11. *Privileges.*—Inquire into the extent of freedom allowed patients and the number and classes of patients who enjoy “open door,” “parole,” or other privileges. Ascertain the rules regarding visits from friends and letter writing.

12. *Outings for Patients.*—Describe fully any facilities that the hospital may have for giving patients a change of air and scene. Has the hospital a cottage at a distance from the main buildings where patients can be sent, or camping out parties organized, or other arrangements made for vacations for patients.

13. *Treatment of Pulmonary Tuberculosis.*—How many cases of pulmonary tuberculosis in the institution? Are patients of this class kept apart from others? Are they accommodated in tents, or specially constructed pavilions? If tents are used, state for how many months in the year, style of tent used, method of heating and ventilation, toilet facilities, etc. If pavilions are used, describe construction and arrangement. What diet is prescribed for such patients? Are printed rules and regulations regarding care of such patients issued to nurses or posted in the wards? Results of treatment,—what proportion of patients treated recover, or show marked improvement; what proportion die?

14. *Bathing and Toilet Facilities.*—Note the arrangement for bathing patients, the kinds of baths given, the frequency with which the patients are regularly bathed, the extent to which the bathing is supervised by physicians and nurses. Examine the plumbing as to both quality and extent, noting the number of fixtures in the toilet rooms, and the ratio of fixtures to patients using these rooms.

15. *Clothing.*—Observe the general character and the amount of the clothing furnished patients and the extent to which their clothing varies with the season. Note the number of under and outer garments provided for each patient, the extent to which there is individual ownership and use of clothing, the character of the clothing worn at night, the frequency with which underclothing is changed. Examine individual patients to ascertain how they are clothed.

16. *Beds and Dormitories.*—Observe the general character of the beds and bedding, the method of airing the beds and dormitories, the size and arrangement of dormitories, the extent to which the wards are under the supervision of physicians and nurses at night, the extent to which and the classes of patients for which separate bedrooms or congregate dormitories are used.

17. *Food and Dining Room Service.*—Study the food and the dining room service. Note the quantity, the quality and the variety of the food, the extent to which differences are made for different classes of patients, the character of the special diet, and the arrangements for serving the food hot. Observe the table service, the size and shape of the tables, the character of the tableware, and the method of serving the patients. Is a dietitian employed, and what is the character of the work done in this department?

18. *Supplies.*—Visit the storehouse and study the methods of receiving, caring for, and distributing all supplies, observing the quality and quantity of supplies of all sorts furnished, and their adaptability to the needs of the patients.

19. *Fire Protection.*—Observe the various methods of protecting the patients and the buildings against danger from fire, noting features of construction designed to prevent the spread of fire, the extent, character and condition of the fire alarm system and of fire fighting apparatus; the extent to which fire drills are carried on among patients and employees, and the character and frequency of such drills.

20. *Admission and Care of Recent Cases.*—Inquire into the usual routine pursued on the admission of patients and study the methods

of housing, feeding, clothing, employing, amusing and otherwise caring for supposedly recoverable cases.

21. *Needed Improvements*.—Make a list of the most urgent needs of the hospital, and mention any improvements that seem desirable either in the accommodation or care of the patients.

## 22. The Constitutional Rights of Visitation<sup>1</sup>

APPEAL by the defendants, F. Park Lewis and others, from a peremptory mandamus order of the Supreme Court, made at the Albany Special Term and entered in the office of the clerk of the county of Albany on or about the 21st day of April, 1922, requiring the appellants to submit to the powers of visitation and inspection conferred by the State Constitution upon the State Board of Charities by making certain written reports. . . .

HASBROUCK, J.: This is an appeal from an order of the Albany Special Term granting a mandamus order directing appellants to make report to the State Board of Charities.<sup>2</sup>

The New York State School for the Blind, against whose trustees the above order was made, was organized as a corporation in accordance with chapter 587 of the *Laws of 1865*. Its powers and duties were originally granted and regulated by chapter 744 of the *Laws of 1867*, and now by article 39 of the *Education Law*, being section 990 *et seq.* of that statute, and by chapter 136 of the *Laws of 1919* (adding to *Education Law*, Section 94a).

The school as a charitable institution is also subject to the provisions of section 11 of article 8 of the State Constitution, which provides: "The Legislature shall provide for a State Board of Charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character."

By section 970 of the *Education Law* the Commissioner of Education has been also given visitorial power.

There is no question raised as to the right of visitation upon the part of the State Board of Charities. The question at issue is whether such Board can require the trustees of the School for the Blind to make written reports of the visits and inspections of its own trustees and of

<sup>1</sup> Extract from *The People v. F. Park Lewis and Others, Constituting the Board of Trustees of the New York State School for the Blind, Appellants* (1922), 203 N.Y. App. Division 395, *Affirmed* 239 N.Y. 528.

<sup>2</sup> See *Matter of Newton v. Lewis*, 118 Misc. Rep. 382.

their attendance at regular and special meetings and to furnish copies of the minutes of their regular and special meetings.

The boards of trustees, representing the appellant, claims that the words "visit and inspect" in the Constitution confer no power to require written reports.

In order to ascertain what is meant by the word "visit" in the Constitution, it must be recognized that the Constitution makers gave to it its meaning in the law for they were dealing with the fundamental law. Perhaps the most celebrated case involving visitorial power is that of *Philips v. Bury*, in which Lord Holt, according to our own Chancellor Kent, gave a most celebrated judgment which should be examined.

In that case, Doctor Bury, rector of Exeter College in Oxford, was for contumacy deprived of and amoted from his office by the visitor, the Bishop of Exeter. In discussing the power of this visitor, the views of Lord Holt, which were not concurred in by his brother judges, so that judgment was given for the rector, were upon an appeal to the House of Lords accepted as the law.

Among the views expressed by Lord Holt are the following:

Private and particular corporations for charity founded and endowed by private persons are subject to the private government of those who erect them. . . . It is now admitted on all hands that the founder (of a charity) is patron, and, as founder, is visitor. So that patronage and visitation are necessary consequents one upon another; for this visitorial power was not introduced by any canons or constitutions ecclesiastical . . . it is an appointment of law; it ariseth from the property which the founder had in the lands assigned to support the charity; and as he is the author of the charity, the law gives him and his heirs a visitorial power, that is, to inspect the actions and regulate the behaviour of the members that partake of the charity; for it is fit the members that are endowed and that have the charity bestowed upon them should not be left to themselves . . . but pursue the intent and design of him that bestowed it upon them . . . to prevent all perverting of the charity or to compose differences. . . .

This industrial school for the blind, to use the nomenclature of earlier days in the law, is the foundation of the State. The lands and the property constituting the school are the State's. It should have the power to manage and direct its own instrument, its own foundation.

Part of that power is vested in the State Board of Charities. The Constitution names it the State's visitor. If to visit means as Lord Holt declares "to inspect the actions and regulate the behaviour of the

members . . . . [to] pursue the intent and design" of the founder or as in the case at bar, the State then, the visitor, may require any act done by the corporation that will promote the purposes of the institution. The powers of a visitor in the sense it must have been used by the Constitution makers are of necessity so comprehensive and broad that it is easy to infer that within them lies the power to require officials to exhibit records and make reports.

That the visitor is possessed of such broad power is the opinion of Lewin in his work on Trusts (1 [8th ed.] 719): "The office of visitor is to hear and determine all differences of members of the society among themselves and generally to superintend the internal government of the body." Also of Chancellor Kent (2 Kent Comm. 302). He says the visitors "may amend and repeal the by-laws and ordinances of the corporation, remove its officers, correct abuses and generally superintend the management of the trust."

It seems unnecessary further to comment upon the meaning of the word "visit" as used in the Constitution in connection with the State Board of Charities. Indeed we might say with the Lord Chancellor in *Attorney-General v. The Archbishop of York*: "Nor can any man doubt what the powers of a visitor are."

We are of the opinion that the purpose of the Constitution was to confer upon the State Board of Charities the power to superintend the management of the appellants' school and that in such superintendence it has the power to ask for and have delivered to it written information or reports concerning the school. There is no power in the Legislature to impair this constitutional right of the State Board of Charities. Neither is there any power granted to the Education Department to interfere with the visitorial power exercised by the State Board of Charities. The power of the Education Department is statutory, that of the Charities Board constitutional. Both must be given effect where they do not conflict. If there be conflict the constitutional power is paramount.

The controversy at bar is one undoubtedly growing out of the annoyance of the board of trustees of the School for the Blind in having to make so many reports and in having so many visitors.

The law, however, provides for them and requests for such reports made in the administration of the duties of the Charities Board should be complied with.

The order should be affirmed.

## SECTION III

### INTRODUCTORY NOTE

The establishment of the state boards was inevitably followed by an increase in administrative power in those boards in their relations to the state institutions. It has appeared that the boards of trustees of institutions did not always welcome the intervention of the central authority,<sup>1</sup> and it will appear that as there was a multiplicity of institutions to be supervised there might be created a multiplicity of agencies to supervise.<sup>2</sup> There were two questions, one of which might be answered by adequate comparable records, namely, that of the actual relative cost under one system as compared with another; the other, the results in spiritual, social, permanent gains that can be measured in dollars and cents, if at all, only after years of experimentation. The comparable records have been and still are lacking. Attention may be called now to the very great difficulty in comparing one system with another because of faulty account-keeping, deficient record systems, paucity and irregularity in the publication of reports, and above all in the lack of agreement as to the true nature of the services undertaken and the consequent lack of any service unit. The older Poor Law administration developed the principle of "less eligibility," namely, that the condition of the person under care should be less desirable than that of the independent workingman. It might be said that modern welfare work in every field subscribes rather to the principle of "adequacy"; and "adequacy" can, in the treatment of the family in distress, be defined by the application of a standard budget as a measure at least of relief. But when we pass beyond the question of relief in the family group, the problem becomes enormously difficult. The general standard of life of the great mass of taxpayers may well be in many respects below any level fixed by the ideal of adequacy when treatment is involved. It is, therefore, of the greatest importance that there be careful records accurately kept, honestly and intelligently analyzed and compared, so that the relative efficiency and economy of different

<sup>1</sup> See above, Part II, Sec. II, Document 12, on the differences of opinion with reference to the proper planning of hospitals for the insane. See also Document 22.

<sup>2</sup> Documents 9 and 11 in this section, "Letchworth Village."

methods may be compared. It is unnecessary to point out that such records are not available. In the absence of such records, a priori arguments and partisan effort have the stage, and attempts to secure comparative data are sporadic and incomplete.

In the absence of records such as these, arguments can be based only on the general political, social, and economic doctrines held by the participants in the discussion. In the National Conference of Charities and Correction there were repeated encounters between those who on the one hand advocated either a great increase in the power of the central authority without the abolition of the boards of trustees or the abolition of the boards of trustees and the substitution of one central board as was done in 1881 in Wisconsin, and those on the other who believed in "supervision," which was understood to mean education, persuasion, suggestion, co-operation, in brief, consent as against power.<sup>1</sup>

Over against these heated arguments based on the social philosophy of the protagonists may be set the apparently dispassionate appeal to principles of efficiency and public economy. Further reference will be made to the movement in the states to set up special commissions on economy and efficiency. The recommendations of these commissions were generally characterized by a complete lack of knowledge and of interest in the specialized principles of treatment<sup>2</sup> supposed to guide those who cared for the different forms of distress. Their influence was, however, very great because they spoke in behalf of principles which should have their place in the determination of public arrangements. Attention may, however, be called to the differences in the meaning of these words in their application to public welfare and to domestic

<sup>1</sup> It is perhaps necessary to call attention again to two issues involved in this controversy. One was that of the net relative value of the services of the boards of trustees, i.e., the large number of persons who gave gratuitous service out of their surplus time and strength, as compared with those of a small number of full-time salaried officials. Another was the nature of the supervisory relationship, when the purpose of the supervision was one of general oversight and representation of the public interest rather than immediate direction of a subordinate by a superior in the ordinary hierarchical arrangement of business or industry.

<sup>2</sup> Document 12, Mr. Kelso's argument. A contrast is sometimes drawn between the economy and efficiency exponents and the welfare officials as though the one group were "administrative specialists" and the other "specialists in human relations." See E. E. McCombs, *National Municipal Review*, XIII (1924), 461. As a matter of fact, these specialists in human relations were generally deeply concerned with problems in administration. The difference between the two groups is a difference as to the ultimate test of efficiency and economy.

welfare as contrasted with their significance in the field of industrial or business organization. In the latter fields the profit-seeking impulse makes the balance sheet the final criterion. In political and domestic organization, human well-being under conditions of justice, freedom, and equality, are the objects sought, and business administration can never be the guide to truly successful organization. Only the working out of units of well-being or of service which can be understood, compared, and accepted, can ultimately serve as the basis of sound judgment.

It will be noticed, then, that there were wide differences of opinion, and, in the absence of convincing data, ugly charges were made as to the influence of ulterior and selfish motives.

Special attention is called to the extract from Miss Clark's paper,<sup>1</sup> in which she summarizes the experience of the State Charities Aid Association; to the undertaking<sup>2</sup> of Mr. Henry C. Wright to make a comparison from the point of view of economy among varying degrees of control; and to the recommendations of the Illinois State Board that it together with the institutional boards of trustees be abolished and replaced by two boards, one replacing the institutional boards, the other continuing the supervisory function.<sup>3</sup>

<sup>1</sup> Document 6.

<sup>2</sup> Document 8. In this extremely interesting and valuable report, Mr. Wright compared (1) the relative efficiency of the administration in New York State under the State Charities Law, the Insanity Law, and the Prison Law, which differed each from the other in the degree to which control was exercised by the governing body as distinguished from supervision; (2) that of New York, with its three authorities, and its varied organization from the point of view of control, with that of Iowa where the administration was from 1898 centralized in the hands of a Board of Control of three members, and with Indiana, where the institution trustees were still relied on under the guidance of a supervisory board of five.

Attention might be called to the fact that between 1880, when the Indiana Board was created, and 1923, there were only three secretaries: Alexander Johnson, serving from 1880 to 1893; Ernest B. Bicknell, from 1893 to 1898; and Amos Butler, from 1898 to 1923.

<sup>3</sup> Document 7.



## THE MOVEMENT FROM "SUPERVISION" TO "CONTROL"

### I. The Proper Functions of Boards of State Charities and Corrections<sup>1</sup>

I propose to speak very briefly of the proper functions of Boards of State Charities and Corrections, and of some of the qualifications requisite for the successful discharge of these functions. What I shall say, will be understood to apply to such boards in their simplest form, with only advisory powers, and dependent for influence, upon the apparent wisdom and propriety of their recommendations.

Of the ordinary and well understood duty of these boards—the duty of visiting from time to time the institutions with whose supervision they are charged, and of reporting annually to the legislatures the result of their observations, it is not necessary to speak. This, if faithfully and honestly done, can hardly fail to be productive of good. If on the contrary, it be done in a careless and perfunctory manner, or in an unkind and critical spirit, it will prove a positive evil. It were better that the trustees of these institutions should be directly responsible to the legislature, without any intervening body.

The highest service of Boards of State Charities and Corrections, consists in bringing, on the one hand, to legislatures, and on the other, to boards of trustees, the best knowledge—the fruit of the largest and ripest experience, touching the care of the dependent, delinquent, and criminal classes. Legislators, prison inspectors, trustees of reform schools, and other similar boards of management, have neither the opportunity, nor the leisure for a thorough investigation of the deep and dark problems of social science, and yet without the results of such investigation they are not prepared for the intelligent and proper discharge of their several duties. It is the special function of Boards of State Charities and Corrections to furnish this needed information and guidance.

Another and kindred office of these boards is the diffusion through the community of just notions in relation to the proper treatment of

<sup>1</sup> Paper by George I. Chace, *Proceedings of the Ninth Annual National Conference of Charities and Corrections* (Madison, 1882), pp. 19-24.

pauperism, vice and crime with a view to their reduction within the narrowest possible limits. Public sentiment must be moulded into forms favoring such treatment, and encouraging and supporting the government in all wise measures looking to that end, although making for a time additional demands upon the treasury. Under our democratic rule, no reform, however reasonable, or however much needed, can be successfully carried forward without the approval and co-operation of the great body of the populace. In the absence of such support, public institutions under the wisest and most efficient management lose half their usefulness.

These conferences, besides their immediate effect, in enlarging the views and strengthening the convictions of those who have part in them, are the means through their widely reported discussions, of spreading important knowledge, all over the land. Their published *Proceedings*, everywhere welcome, as well as the annual reports of the different boards to their respective legislatures, further assist in educating, on the subjects of which they treat, the general public.

From the proper work of Boards of Charities and Corrections, we may infer some of the qualifications demanded of those who serve on such boards. They should be men of large intelligence, of broad views, and of generous sympathies—men in whose composition clearness of perception, good judgment and moral insight are predominant elements—men of genius, Christian philanthropy as far removed from a weak sentimentality on the one hand, as it is from a hard philistinism on the other—men who are willing to spend and be spent in the service, with no other reward than the good they may hope to accomplish—men of standing and influence in the community, who are sought for the service on account of their fitness for it, and not who seek it for personal ends, or are appointed to it as a reward for political service or through political favoritism.

Nor are these qualifications of character and standing alone sufficient. It becomes those who accept positions on Boards of State Charities and Corrections, whatever their social status, to make themselves thoroughly acquainted with what has been done, and what is now doing to minimize, or reduce to their smallest proportions, pauperism, vice and crime, and to master as far as possible the principles underlying such action. The function of these boards being simply advisory—they having neither legislative nor administrative powers—their influence in both of these directions, will be proportional to the respect felt for their recommendations. And this again will depend upon their

known attainments and character. Legislatures surrounded, as they are, by all sorts of conflicting influences, are likely to pay little heed to the suggestions of a body of well meaning men indeed, but with whose ability and judgment they are not impressed. Boards of trustees, amid their trying and difficult labors will gladly receive advice from men in whose wisdom they confide, and whose experience, they know to be greater than theirs. While the same advice thrust upon them by a board failing to command their respect, would be resented as an interference in matters which belonged solely to them, and for which they alone were responsible.

And further, as Boards of State Charities have no real authority—no mandatory powers—it is important that their recommendations, however wise and well considered, should be presented with proper deference and courtesy to the legislative bodies whose action they invoke, so as if possible to win a favorable hearing. They should at least see that such recommendations do not fail to receive attention through any infelicity in the manner or time of presenting them.

So also having no actual control over the trustees whose labors they supervise, they should seek to establish and maintain with these boards a personal influence so strong that there will remain to them only the pleasant duty of guidance and inspiration.

Mere advisory boards sometimes complain of the want of authority. Their advice, they say, is not heeded. However valuable in itself, it is thrown away. This may be true in particular cases. But it is not the rule. Advisory boards, whether composed of men or women, or of both men and women, will in the long run, have all the influence to which their wisdom, good sense and practical knowledge of affairs, entitle them. Complaint of want of power, is under such circumstances, confession of a lack of some of the means of influence.

Already much has been accomplished by our boards of charities, in collecting and diffusing information, in shaping public opinion and in promoting reforms in state legislation, and in the management of state institutions; but still more important work remains to be done by them. By their mastery of some of the most pressing social problems and by the conspicuous wisdom of their recommendations, they should exert a potent influence in determining the creation of similar boards in states where such boards do not now exist. Originating in Massachusetts, the acknowledged leader in reform of every kind, only nineteen years ago, they have already spread through ten of the more influential of the states, and should continue to spread until not a state in the union

is without them. A comparison between the prisons, alms-houses and asylums for the insane, in the group of states where these boards are in full operation, and the same institutions in states where such boards do not exist would be interesting and instructive. It may be said these boards are themselves the product of a larger intelligence and more advanced sentiment already existing in the states where they are found. This is to a certain extent probably true. But there can be no doubt that they have in time assisted in still further enlarging that intelligence and developing and strengthening that sentiment of humanity.

The efforts of these boards must be put forth on a higher plane. They must be directed to moral rather than material ends—the latter being allowed to follow, as they assuredly will, in the train of the former. Pauperism, vice and crime must be met in their first budding. The neglected and exposed children of the street, must be gathered into homes and schools, where they may be properly instructed and trained, where their own tendencies may be repressed, and all the good that is in them through fostering influences, be brought out. Such homes and schools, although requiring at the start a considerable outlay, would in a single generation, as I believe, far more than repay their cost, in the diminished expense for jails, prisons, and work-houses. When will our legislatures be courageous enough, and have faith enough to take this first step towards checking and bringing under control the great and growing evils of our modern civilization?

There is need of higher aims, and the employment of more efficient means in our reformatories and our houses of correction. Too great reliance is placed upon mere physical appliances. All right moral, social and personal influences must be brought into more active play. Encouragement must take the place of repression. Rewards must be substituted for punishments. Hope is a stronger, as well as a more generous motive than fear. Obedience from love and respect is of more value in the formation of character, than an enforced yielding to mere authority. A spirit of kindness and contentment, of good will and trust, must pervade these institutions, before they can accomplish these legitimate ends. As too commonly managed, not half the good of which they are capable, is done by them. Their real success will not depend so much on the system upon which they are conducted, whether close or open, although I believe the latter in the right hands every way preferable, as upon the character of the man at their head, and the spirit breathed by him into his subordinates and employees. Rare gifts are required—little short of moral genius—for the successful management

of reformatory institutions on the open system. Any man may turn keys, shove bolts and fasten bars. He may also enforce labor and conformity to rules by the deprivation of food, or the discipline of the lash. Nothing but brute strength is needed for this; and only brutish natures can receive benefit from it. All others are morally injured. A juvenile reformatory conducted after the manner of a prison, becomes a feeder to prisons. If there are any positions which it is important to have well filled—filled with able and wise men—men of earnest, self-denying and Christian tempers—it is the headships of our reform schools and our houses of correction. When thus presided over and directed, these institutions do untold good. In other and different hands they may be a source of actual harm to the community. The diffusion of right views on this subject, and the lifting to a higher platform all reformatory work, is not the least of the tasks before us as Boards of State Charities and Corrections. This, indeed, if I mistake not, is the direction in which our efforts in the future will be mainly put forth. Moral appliances will come to take the place more and more of physical. It will be perceived that no form of evil can permanently withstand the power of goodness—that Christian faith and love are the greatest of all conquerors—that there are none so fallen or degraded as to be beyond their reach—that the gospel of brotherly kindness and good will promulgated two thousand years ago in Judæa and Galilee for the reformation of a world must be embodied and exemplified in all our institutions, before they can fully accomplish their beneficent ends.

I am of the opinion that this advance in our reformatory aims and methods, of which the need is so urgent, may be more easily and sooner made, under single boards, with full administrative powers, than under a system of double boards, one board having merely advisory, and the other executive functions. A single board is most favorable to unity and efficiency of action. The danger of petty jealousies on the one hand, and of mischievous interference on the other, is precluded. Honest differences of opinion are worn away by discussion, and the best views, and wisest measures will generally prevail. The members of such a board having an individual responsibility, feel more strongly its pressure; while their larger powers confer additional dignity as well as deepen their sense of obligation. Their experience in administrative duties enables them to judge better as to what is practicable, and what if attempted would be sure to result in failure. How many of the schemes of philanthropists, when brought to this last test—the test of practicability—have been found wanting? It is this fact that makes

legislatures so slow to heed the most earnest appeals of men and women truly benevolent, but without sufficient acquaintance with affairs to comprehend the difficulties that would be encountered, in carrying out their proposed reforms. The mere sentiment of benevolence, however genuine, must be enlightened, chastened and disciplined by the sober teachings of experience before it can be a safe guide to action.

## **2. State Boards Tend to Become Administrative and Not Simply Advisory<sup>1</sup>**

Of the twelve State Boards now in existence, only three or four remain simply advisory in their powers and duties, although originally most of them were so established, at least in theory. The Boards of New York, of Pennsylvania, of Illinois, Michigan, Wisconsin, and doubtless of some other States, were created with duties of inspection and supervision, and with powers of advice and recommendation, and only these; but, in all these States, it has been found necessary or expedient to add executive powers, and to make these Boards, in fact (what those of Massachusetts, Rhode Island, Kansas, and Minnesota have always been in name), a part of the State administration. In New York, for example, executive powers in regard to the support of State paupers and the removal of immigrants and vagrants have been conferred; in Pennsylvania, these powers, and also the summary powers of a Lunacy Commission; in Illinois, very extensive powers of audit; in Wisconsin, the power of the purse over the maintenance of the insane poor in county asylums; in Michigan, executive powers in regard to children placed in families. The Rhode Island Board, which was at first made partly executive and partly advisory, has now complete control of all the State establishments. In Massachusetts, the executive powers of the Board, which were from the first extensive, have been enlarged until it is now one of the most important branches of the State administration.

These changes in the function of the Boards are not the result of chance, but indicate what we believe to be the fact, that such authority, when once created in a State, will naturally increase; for occasions arise when power must be lodged somewhere, and no more suitable place can be found for it. No changes, so far as we know, have been

<sup>1</sup> Extract from F. B. Sanborn, "Work Accomplished by the State Boards. Report of the Standing Committee on State Boards of Charities," *Proceedings of the National Conference of Charities and Correction* (Omaha, 1887), p. 103.

made in the other direction,—of limiting the duties of these Boards,—except when special Boards have been created to relieve the Board of Charities of some part of its increasing duties; and we believe there is no State Board now in existence which possesses less power than when it was first established. This indicates that the confidence originally reposed in them has been justified by their activity.

### 3. State Control and Supervision<sup>1</sup>

Control and supervision are distinct functions, and they require to be sharply differentiated from each other. Control implies executive power, the right to make appointments, to prescribe rules, and to pay out money. It also implies direct responsibility for the administration of the establishments committed to the care of an executive board. Supervision implies absence of executive power. The powers of a supervisory board are purely those of an inspector. Its function is criticism and suggestion, not administration. Thus in the army an inspector reports upon the condition of the troops, but is powerless to alter the existing situation. That can be accomplished only by orders emanating from the commander.

In states where the central board (commonly called a board of charities), is a supervisory board, and the administration of the state institutions is confided to individual boards of trustees or managers, the state which adopts this system secures the benefits both of responsibility in the discharge of executive functions and also of independent inspection, criticism, and suggestion. In states where the central board is a board of control, the administration of the state institutions may be equally good, or it may be worse or better; but there is no adequate supervision of their methods and results. In other words, the loss is certain, but the gain is problematical.

A supervisory board cannot act as a board of control, neither can a board of control act as a supervisory board.

The controversy over the question whether it is better to substitute a central board of control having charge of all state institutions or of some particular group of institutions for separate boards of trustees having charge each of one institution relates, therefore, in fact to a detail of executive management. It should not be confounded with the question whether supervision is necessary or desirable. That, I think, is

<sup>1</sup> By F. H. Wines, *Proceedings of the National Conference of Charities and Correction* (Detroit, 1902), pp. 147-51.

generally conceded. But the need of supervision is apt to be overlooked where a central supervisory board is converted into a central executive board of control, or where such conversion is seriously proposed.

The arguments for and against the substitution of a central board of control for separate local boards of management may be summarized as follows:

It has been urged in favor of such substitution:

1. That it should be an economy, since it would enable the state to purchase supplies for all of the state institutions in gross instead of in detail, and therefore at lower average prices. But it is entirely possible to organize a method of securing common bids for supplies for any number of institutions, and of making contracts for delivering the same in quantities and at times and places specified, without resort to so radical a departure from the established usage (in the majority of states) in the matter of the organization of the state charities.

2. That it would result in increased efficiency of administration. The reason commonly assigned for this belief is that the members of a central board of control will give all their time to their official duties, and will receive pecuniary compensation for the service rendered by them, which will render them more responsible than are the unpaid members of local boards.

3. That it would give unity of system in the management of the institutions.

4. That it would facilitate the adoption of the merit system in the appointment of employees. But a state which believes in the merit system can and will have it, whether the executive power is in the hands of a single board or of several independent boards; and a state which does not believe in it will not have it under any circumstances or conditions. There is no necessary or logical connection between the desire for an improved civil service and the effort to consolidate the management of a group of state institutions.

5. That local boards of trustees, composed of residents of the town or county in which an institution is maintained by the state, too often exploit it for the local benefit of the community. But a citizen of such town or county, if on a central board, would enjoy additional facilities for fostering the interests of his locality; and it is not necessary to appoint as trustee of a state institution any resident of the immediate vicinity.

6. That it is in the line of the changes taking place in the business methods of private corporations conducted for profit, in which con-



solidation, expansion, and increased power on the part of the general management are brought about by the desire to cheapen production and insure larger returns on invested capital.

On the other hand it has been said:

1. That the power which it is proposed to vest in a central board is political power, and that it is unwise and unsafe to concentrate such great and manifold powers in any single body of men. They would appoint the vast majority of any persons borne on the pay-rolls of the state, would control the expenditure of more than half the general revenues of the state; and the patronage thus placed at their disposal would enable them to exercise an undue, if not a corrupting, influence over the state legislature and the state executive. Witness, for instance, the influence exerted in some of the Southern states by the lessees of the state penitentiaries.

2. That membership in this central board of control would tend to become the great political prize at the disposal of the governor. It would be sought by men who would demand it as their reward for political service; and their right to it would be recognized, thus placing the control of the institutions in the hands of men not specially fitted for it by experience, qualification, or inclination, but who are practical politicians, and who would be tempted to use their power for the accomplishment of political ends.

3. That the peril to the republic and to popular freedom lies in the direction of centralization. The methods pursued by corporations conducted for pecuniary gain are not necessarily a model for imitation by a state government. The unity of system and method which centralization implies would be quite as likely to be detrimental to the institutions, especially to their inmates, as advantageous.

4. That a paid board, paid for administering, must administer, in order to earn its money and to save its own self-respect. Its natural tendency, therefore, is to assume and exercise functions which can better be fulfilled by the superintendent of each institution as its executive head. This is not unlikely to result in the selection of inferior men as superintendents, or in so hampering freedom of action on their part as to diminish their efficiency and usefulness.

5. That the objects and methods of the different state institutions are so dissimilar in detail, in spite of their general resemblance, that no central board can feel an equal interest in all of them or administer all of them equally well. On the whole, it is better that each should have

its own trustees, devoted to its individual welfare, who believe it to be the most important and meritorious enterprise fostered by the state, and who will plan and fight for it with that dominating conviction and impulse.

6. That generally, if not universally, the establishment of a central board of control cannot be effected without the abolition of the central supervisory board, as well as of the local boards of trustees; and the injury thus done to the system as a whole is greater than any advantage which might accrue to the state in some other direction.

The proposal to establish a central board of control usually originates, I think, in the brain of some scheming politician, who wishes to strengthen a political machine by the addition to it of the state charitable institutions, which can be effectively used by an adroit and unscrupulous political manager as an aid to the control of caucuses, primaries, and conventions, and in the carrying of elections. They can of course be far more effectively used for this purpose if they have a single head, himself a member of the machine and in sympathy with its general aims. The motive which prompts the suggestion is concealed, and the ostensible motive put forth is the intention to secure better business organization, improved business methods, which appeals to business men not politicians, and who claim still less to be experts in benevolent work. Into the hands of these schemers those reformers play, who are impatient because reforms grow slowly, with the gradual education of public opinion, upon which they at last depend for moral support, and who imagine that they can be effected by the concentration of authority in a board which can issue and enforce the necessary orders. But does not this authority, this power, already exist? Why is it not used? Why suppose that one set of men will accomplish what several sets of men working in harmony cannot accomplish?

A central supervisory board is apt to be far more active and efficient than a board of control in the matter of arousing public interest in the benevolent work, both of the state and of private individuals or associations, and of educating public opinion on social questions as related to public and private charity. It is natural, is it not, that an executive board which believes itself to be doing all that can or ought to be done, with the means and facilities at its disposal should be indifferent to public opinion or sensitive to criticism of its methods by the community? But a supervisory board, whose function is criticism, welcomes and stimulates the closest inspection of public and private chari-

ties by the public at large, feeling that in such inspection it receives moral support of inestimable value to the state.

Personally I dread the creation of centralized boards of control. They are less objectionable if they have charge only of single groups of institutions, as for instance, all the hospitals and asylums for the insane or all the prisons. They are also less objectionable in small states than in the larger ones. They would be very much less objectionable if they did not mean the abolition of the supervisory boards but two central boards cannot ordinarily be maintained in one state. If they could, there would almost inevitably exist rivalry and conflict between them.

#### **4. State Supervision and Administration of Charities and Correction<sup>1</sup>**

According to this report you see that the question for discussion this evening is a very broad one and covers the whole subject of the relation of public authorities to charitable administration, whether that administration is conducted by the public authorities exclusively or whether it is conducted by private individuals. The primary question is what should be the relation of the public authorities to the public administration of charity or to what we call public charity. There have been and there still are in operation many different systems.

In the first place there is the system of management by local boards of unpaid trustees without any central supervision. By supervision I mean any central authority having the power to visit and inspect, to see whether there is anything wrong going on and to report upon it. That is the first system, a system of local management by local boards without central inspection.

Another system is that of management by local boards with central supervision.

A third system is that of local management by unpaid boards with central supervision and central financial control.

A fourth system is management and financial control by a central authority.

Now there is a fifth possible system, one which has hitherto been very little considered and, in fact, has not yet, so far as I know, been put into operation anywhere. That would be a system of management and control by a central authority supplemented by central supervision.

<sup>1</sup> Extract from Discussion by George F. Cantfield, *Proceedings of the National Conference of Charities and Correction* (Atlanta, 1903), pp. 494-95.

### 5. Reasons Which Favor a State Board of Control<sup>1</sup>

*First.*—A state board of control greatly decreases the cost of maintenance of all the state institutions and saves the taxpayers from \$100,000 to \$150,000 annually in each state where it has been fairly tried.

*Second.*—A state board of control secures greater accuracy in accounts and facilitates the transaction of business by furnishing uniform blanks and a uniform system of book-keeping for each state institution, and thus secures greater efficiency of administration.

*Third.*—A state board of control eliminates local controversy in the communities where the state institutions are located, over the question of dividing the state's bounty in purchasing supplies, etc., and also prevents legislative combinations for that purpose.

*Fourth.*—A state board of control provides better food, better clothing and better care for the inmates of all state institutions, and thus preserves and extends the purposes for which the institutions were established.

*Fifth.*—A state board of control secures better discipline among the employees and inmates of every state institution by means of the special powers conferred upon each superintendent to select his own assistants and employees, and to discharge them for cause. It secures in this way the merit system with employees.

*Sixth.*—A state board of control relieves the superintendents of the state institutions from the burdens of financial details which enables them to study, as never before, the real problems involved in their work, and to preserve and extend the educational and reformatory purposes for which the institutions were founded.

*Seventh.*—A board of control, constituted upon the plan of Iowa and Minnesota, practically eliminates politics from the management of state institutions. Civil service principles are adhered to from the beginning.

*Eighth.*—A state board of control is an expression of the best thought of the age in centralizing large business enterprises. It is in harmony with the drift of events and meets the demands of the times. The state institutions have grown to such large proportions, involving the expenditure of such large sums of money and involving such intricate and complicated problems affecting the interests of all the citizens, that popular judgment favors a central state board of control.

<sup>1</sup> Extract from A. W. Clark, "Limits to State Control and Supervision," *Proceedings of the National Conference of Charities and Correction* (Portland, 1904), pp. 180-82.

*Ninth.*—A state board of control practically insures equitable appropriations to the different state institutions and prevents the constant lobbying of institutions against each other. It is well known that under the old system of advisory boards, superintendents of state institutions and local trustees spend many days lobbying with each legislature for appropriations. Those who are most skilled in such business secure large appropriations, often more than actually needed, while other institutions are left to suffer because of inadequate appropriations. No difficulties of this sort arise under a state board of control.

*Tenth.*—A state board of control corrects abuses, makes needed changes and enforces recommendations. An advisory board is powerless to enforce recommendations. It can only investigate, advise and report. Universal testimony in Wisconsin, Iowa and Minnesota is that since their state boards of control were created, no complaints against the management of public institutions have arisen making formal investigation necessary. The moral effect of the existence of these boards is everywhere recognized.

#### GROUND'S UPON WHICH STATE CONTROL RESTS

As a living growing body the state has many members with many functions. As illustrated by M. Fouillee:

In the highly organized machines used in the manufacture of cotton or woolen stuffs, when a single thread breaks, the loom stops of its own motion, as if the machine were notified of the accident which has happened to one of its parts, and could not continue its work until this is repaired. This is a sample of the solidarity which will more and more hold sway over human society. In this web of social interests, wherein all individual destinies are interwoven, not a thread, not an individual should be injured without the general mechanism being warned of the accident, affected by it, and obliged to repair the harm done as far as possible.

If one member suffers all the members suffer. Just as the brain is the supreme center for the direction of the members of the body, so the state constitutes the center for the control and supervision of charities and correction. These problems are of vital importance to the whole community, and are so complex and so interwoven into the life of the people that state control is a necessity.

### 6. Centralization and the Use of the Expert<sup>1</sup>

The kind of centralization that would be true economy for the State would be the employment of competent specialists to assist the institutions in making the most of themselves, and in more largely co-operating with, and supplementing one another. For instance, I would advocate the employment of a scientific farmer of the highest type procurable who would study the institutions' farms, and the institutions' needs for additional farming land, and advise as to the purchase of new land, the treatment of the land, and the crops to be cultivated. A trained dietitian should be employed to make a study of the various needs of the different institutions in connection with the selection, preparation and serving of the food. The employment of such an officer has been of marked benefit in the Department of Public Charities in New York City, which has in its jurisdiction almost as many institutions as those included among the State charitable institutions. A director of industries would be of great value, especially in connection with institutions which do not employ a complete and varied force of industrial teachers. Some of the State institutions are not large enough to employ the full time of all the teachers of industries that might be desirable, and by the employment of a central traveling director of industries the needs of each institution might be met more fully and yet economically. New lines of work could be devised, and started by such a teacher with great advantage and could be carried on by assistants in the interim between visits.

Such specialists would facilitate co-operation among the various institutions, which is one of the greatest needs at the present time. The institutions are still too isolated. They should be organized for mutual assistance to a much greater extent. In the agricultural and industrial departments especially their isolation is wasteful. The aim should be to enable each institution to produce as large a proportion of its supplies as is possible without interfering with its more fundamental purposes, such as educational or reformatory work. What an institution cannot produce itself, it should look first to obtain from some other institution, and finally from the open market. Many institutions might advantageously supply not only a considerably larger share of their own needs, but also meet, in large measure, the needs of other institu-

<sup>1</sup> Extract from a paper by Mary Vida Clark, "The Needs of the State Charitable Institutions" (at the Eighth New York State Conference of Charities and Correction), *Forty-first Annual Report of the New York State Board of Charities for the Year 1907*, I, 513-16.

tions. Craig Colony, for instance, might furnish a much larger quantity of bricks from its brickyard, if an arrangement could be made by which bricks could be supplied for institutions where buildings were being erected. With some additional land sufficient vegetables could be produced and canned to supply thousands of the wards of the State with a good quality of such articles. Other institutions could furnish manufactured articles of many kinds for one another's use. The extent to which advantageous co-operation might be furthered by an enlightened central administration, is doubtless greater than can be estimated from a superficial survey of the field. Centralization, in a word, should be constructive, not merely restrictive or destructive.

While we need greater uniformity in such ways as these, there are other directions in which we should avoid uniformity. We should not try to house and feed and clothe in a similar way at a similar cost the inmates of the different institutions. We should especially resist the temptation to compare and average the per capita cost of maintenance of all the State charitable institutions, for to do this is to assume that they are comparable and should be similar. It is an injustice to treat the State charitable institutions in this way. Instead of being lumped, compared and averaged, they should be divided into distinct classes with distinct and different standards recognized for each class. In a general way they fall into three large divisions, as institutions which are educational or remedial or custodial. The educational institutions are the reformatories for men, women and children, the Syracuse State Institution for Feeble-minded Children, the Thomas Indian School and the State School for the Blind. These are all schools, which are endeavoring to fit young people to become self-supporting and self-respecting citizens, and the State should pay what it costs to accomplish this result, no matter what it costs. The remedial or curative institutions are the State Hospital for Incipient Pulmonary Tuberculosis, the State Hospital for Crippled and Deformed Children, and the Craig Colony for Epileptics in part. The patients in these institutions who are curable and improvable should be cured and improved, no matter what it costs. It is the worst waste to go only half way, to spend large sums in establishing these institutions, and then not support them well enough, so that they can accomplish what they were established for. The custodial institutions are of two classes, those strictly custodial, such as the Newark and Rome asylums, and a part of Craig Colony, where a lower rate of expenditure than is possible with the other classes could accomplish the results aimed at, and secondly, Homes, such as

those for soldiers and sailors and their families, which, for financial purposes, can be classed with the custodial institutions, because they need be only comfortable homes and infirmaries for an ordinary self governing and well-behaved set of people. What is extravagance for an institution of one class, may be economy for that of another and vice versa. There should be a standard for each, but not for all; more or less uniformity perhaps among institutions of the same class, with the widest difference necessary between the different classes.

### 7. The Illinois Board Suggests Its Own Abolition

#### A<sup>1</sup>

We recommend the enactment of a law establishing a State Board of Control, to have direct charge of all the State charitable institutions, to succeed the present Board of State Commissioners of Public Charities and the Boards of Trustees of the several State charitable institutions.

The State of Illinois now has fifteen charitable institutions and we have recommended the location of another, namely, the Illinois State Colony for Epileptics, which was established by act of the Forty-first General Assembly, approved April 19, 1899. In the law recommended by us for the control and management of this latter institution we have provided for a board of three trustees, our object in doing so being that it might be under similar management as the existing charitable institutions.

These fifteen charitable institutions have forty-nine trustees and there are five members of the Board of State Commissioners of Public Charities, making in all fifty-four persons who are charged with the duty of seeing that these institutions of the State are properly managed under the law. In addition, they have fifteen local treasurers. All of the institutions are under the supervision of this board. Our duties, however, are merely advisory, we having no real executive or controlling power. Under the law we are required to visit each of them at least twice a year to see that the moneys appropriated for their support are economically and judiciously expended, to see whether their offices are accomplished and that the laws in relation to them are complied with. It also requires us to inquire and examine into their methods of government and management, the conduct of their trustees,

<sup>1</sup> Extract from *Sixteenth Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1900), pp. 42-43.



officers and employees, the condition of the property, and into all matters pertaining to their usefulness and management. In addition to this, the law requires us to approve their accounts. Notwithstanding all these requirements this board as constituted has no such executive power to enforce any of its recommendations as should be lodged in a central governing body.

As above stated, the direct control of all these institutions is vested in boards of trustees, one board for each institution, the members of which serve without compensation, as also do the members of this board. Each of the boards selects its own superintendent, looks after and controls the making of contracts, the buying of supplies, the expenditures of money and all the general workings of the institution.

We believe that with a State Board of Control, to have direct charge of the making of contracts, the buying of supplies and all other matters incident to the general management of these institutions, better results could be obtained than at present with the moneys which are appropriated for the care and maintenance of the unfortunate wards of the State.

We do not wish to be understood as reflecting upon the present management of these institutions, as we believe it cannot be excelled in any State having a similar system. But is this system as sound, safe and economical, depending as it does upon voluntary service on the part of the boards of trustees, as any that can be inaugurated?

In our judgment the State Board of Control should consist of three members, to be appointed by the Governor for long terms, and required to devote their entire time and attention to the work. For this service they should receive adequate salaries. In this way the expenses of administration can be lessened, greater uniformity secured, and the way paved for more effective work along lines leading to the highest and most advanced position. Again, the funds of the State which are now disbursed by the fifteen local treasurers above referred to would, under this system, be paid direct to the parties entitled thereto upon the warrant of the State Auditor of Public Accounts. This, we think far preferable to the present system, as it would place the disbursement of the State's funds in the hands of the State officers elected for that purpose.

Without commenting further upon the various details in connection with this subject we commend it to the careful consideration of the members of the Forty-second General Assembly.

We also deem it of the utmost importance that the merit system

should be introduced in all of the State charitable institutions, and we strongly recommend that this be done.

### B<sup>1</sup>

In looking back upon the work accomplished and the effort made toward securing improvements in the service during the term of the present board's tenure of office, the Commissioners of Public Charities about to relinquish their appointments according to the provisions of the new law, feel that in many regards, their predecessors had blazed the way. Called into existence forty years ago, the board represented the best knowledge on administration and organization of public State care of the insane and defectives available at the time of its creation. These forty years, however, have been exceedingly rich in new experience both in the State and throughout the world. The system devised out of the best wisdom of four decades ago had justified itself fully by the results obtainable under it. But the larger needs of a new situation demanded greater administrative concentration and more direct responsibility. Our board welcomes the new order of things as an augury of still greater achievements to be worked out in the future.

No scheme, however comprehensive and well considered, contrived by man, will eliminate all danger or can foresee and forestall all contingencies. As it is the man behind the gun upon whom the efficiency of the new ordinance depends, so the system about to go into effect in Illinois will realize or disappoint the expectations of its sponsors and well wishers in measure as the men entrusted with the administration rise to their opportunity and show loyalty to the trust imposed. Our government being a government through political parties tends toward dragging into politics and considering as political assets even those parts of the executive and legislative spheres of action which in no sense of the term are political and under other forms of government are never affected or invaded by political considerations. The new law in requiring that one of the Board of Administration shall be qualified by education and experience as an expert in insanity recognizes a principle, which if further developed, cannot but throw around the charity service of the State strong safeguards against its being polluted by political selfishness.

<sup>1</sup> Extract from *Twenty-first Fractional Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1900), pp. 36-37.

This report is signed by Frank Billings, Emil G. Hirsch, John T. McAnally, Julia C. Lathrop, Clara P. Bourland, and William C. Graves, Executive Secretary.

Professional pride and loyalty will assert themselves in the physician chosen to advise his colleagues on the board on matters where expert knowledge is indispensable. It will keep him strong to resist all temptation to utilize his office for the attainment of political ends. The whole medical faculty of the State will watch him, feeling that in his hands lies the honor of his profession. The qualifications prescribed are therefore the strongest guarantee possible that the wards of the State will not be cheated of that which humanity, morality and the law jointly and solemnly ask be recognized to be their due.

The adoption of the principles underlying the Civil Service law is another earnest that Illinois has planted her foot squarely and strongly on the ladder of progress. Under its operation, what otherwise would have been exposed to the danger of becoming a haphazard and makeshift employment largely dependent upon political and petty influences, is bound to grow into a professional service of trained and competent experts. The experience had in the few years under the Civil Service law warrants the most hopeful prediction for the future.

The centralizing of the administration must also be hailed as the dawn of a new era of greater efficiency in the State institutions. It will make for better co-ordination and greater simplification, for economy and thoroughness throughout.

#### **8. Summary of Report of an Investigation of the Methods of Fiscal Control of State Institutions<sup>1</sup>**

The general conclusions drawn from the facts disclosed by the investigation may be briefly summarized as follows:

- a) An institution with an inmate population of 400 or over can ordinarily secure as low prices as can a central body with power to contract for large quantities.
- b) Superintendents and stewards and boards of managers exercise as discriminating and reliable judgment in the selecting and contracting for supplies as is now exercised by central bodies.
- c) Institutions, whether operating independently without central control, or up to the present time with central control, do not meet as efficiently as seems desirable, some of the larger problems of institutional management which require expert knowledge.
- d) In those institutions which seem to do the best work and seem to care for the inmates most satisfactorily, the superintendent is given, under the

<sup>1</sup> Made for the State Charities Aid Association in 1911 (Publication No. 122), by Henry C. Wright, pp. 344-53.

general direction of the boards of managers, a large degree of liberty with a corresponding responsibility.

To give these conclusions concrete form, an outline of a plan of central supervision and partial control is presented below. Such an outline is necessarily general and probably should be somewhat modified to adapt it to local conditions in any particular state. This scheme of supervision is designed to secure the following results:

- a) To eliminate, as far as possible, the likelihood of interference for political purposes.
- b) To retain on the part of a central department control over classes of expenditures subdivided into reasonably small aggregates, without requiring or permitting such a department to control purchases in detail.
- c) To insure, as far as possible, a continuity of policy.
- d) To provide for uniformity in accounting and reporting.
- e) To secure expert advice and action thereon.
- f) Through boards of managers to insure action based on knowledge of local conditions and details; to furnish a check upon central control; to furnish a direct point of contact between the institutions and the general public, and to secure a means of co-operation between the institutions and other social agencies. . . .

#### SUGGESTED METHOD OF SUPERVISING STATE INSTITUTIONS

1. *Central Supervising Board or Boards.*—A board to be given the function of supervision and partial control. The jurisdiction of such board to extend to all institutions of the state except institutions furnishing instruction only. A state having twenty or more institutions could well consider the advisability of dividing these into three classes—penal, hospitals for the insane, and charitable institutions, with a separate board over each class.

2. *Constitution of Supervising Board.*—Such a board to have from five to seven members, appointed by the governor, each to serve for a period of five to seven years, with the expirations so adjusted that the term of but one member would expire each year; such members to serve without compensation, but to be allowed traveling and other expenses. The Board to meet not less frequently than once a month, and each institution of the state to be visited by one or more members of the Board, not less often than four times a year. A member to be removed by the governor for cause, stated in writing, and after an opportunity to be heard. This Board to have the function of inspection, recommendation and advice, combined with a partial power of control, as outlined in the following plan.

### 3. *Staff.*—

1. A secretary to be employed at a salary sufficiently large to secure a man of marked ability and knowledge with relation to the management and care of state institutions, selected without regard to residence. Clerical assistance to be provided.
2. Experts to be employed, some regularly and some from time to time, competent to give advice with regard to the following matters:
  - (a) Care, treatment, and education of different classes of inmates. (b) Purchasing, handling and consumption of supplies. (c) Management of farms. (d) Handling of steam plants. (e) Accounts. (f) Such other experts as might be deemed advisable.

### 4. *Fiscal Powers of the Board.*—

1. The Board to recommend to the Legislature the amount of funds needed by each institution. The Legislature to be urged not to subdivide the appropriations into classifications smaller than the following divisions:
  - A. Maintenance.
  - B. Current repairs.
  - C. New buildings and permanent improvements.
2. The Board, subsequent to the action of the Legislature, and after conference with the superintendents and with the advice of experts, to apportion the appropriation for each institution, fixing the amount to be allotted to each of the following expenditures:
  - A. Maintenance:
    1. Salaries and wages.  
The central Board to establish all salaries and wages, which shall be as nearly uniform as possible, for like services in all institutions, taking into consideration living expenses and local prevailing wages, with provision for a graduated increase based on the length of service.
      - a) Aggregate expenditure for salaries.
      - b) Aggregate expenditure for wages.
  2. Farm and gardens.
    - (a) Live stock. (b) Feed. (c) Vehicles. (d) Machines, tools, utensils, harnesses, etc. (e) Fertilizers and seeds. (f) Drainage. (g) Fencing. (h) Farm labor. (i) Miscellaneous material. (j) Miscellaneous expenditures.
3. Provisions.
  - (a) Corn, oats and wheat products. (b) Rice, barley and tapioca. (c) Beans and peas. (d) Potatoes. (e) Butter and butterine. (f) Cheese. (g) Sugar. (h) Molasses and syrup. (i) Fresh meats. (j) Cured meats and lard. (k) Fish. (l) Poultry. (m) Fresh fruits. (n) Fresh vegetables. (o) Dried fruits. (p) Canned vegetables. (q) Canned fruits. (r) Coffee, tea, cocoa and chocolate. (s) Eggs. (t) Milk. (u) Cooking accessories. (v) Miscellaneous foods.

4. Clothing.
  - (a) Boots and shoes. (b) Outer garments. (c) Under garments. (d) Miscellaneous garments.
5. Tobacco.
6. Ice.
7. Fuel and light.
8. Water.
9. Household stores.
  - (a) Laundry supplies. (b) Cleaning utensils and supplies. (c) Miscellaneous household supplies. (d) Miscellaneous toilet supplies.
10. Kitchen and dining-room supplies.
  - (a) Utensils and dishes for kitchens and dining-rooms. (b) Supplies for preserving fruits and vegetables.
11. Mechanics' tools and utensils.
12. House furnishings.
  - (a) Furniture, fixtures, musical instruments and pictures. (b) Carpets, and draperies. (c) Bedding, including mattresses. (d) Table linen and towels. (e) Miscellaneous furnishings.
13. Books, stationery and office supplies.
  - (a) Books, newspapers and periodicals. (b) Stationery, printing and office supplies. (c) School supplies.
14. Medical supplies and instruments.
15. Transportation and messages.
  - (a) Freight, express and cartage. (b) Traveling expenses of officers and employees. (c) Transportation of patients. (d) Telephone, telegraph and messengers. (e) Postage. (f) Expenses of board of managers. (g) Miscellaneous.
16. Amusements.
17. Contingent fund.
18. Burial expenses.
19. Religious services.
20. Advertising.
21. Legal services.
22. Expenses of paroled and discharged inmates.
23. Expenses of purchasing committee.
- B. Current repairs.
  1. Repairs to each building.
  2. Aggregate amount of miscellaneous repairs.
  3. Repairs to heating, lighting and power plants.
- C. New buildings and permanent improvements.
  1. Cost of each building, with power also to designate the location of such building, its plan and materials.
  2. Furnishings for each building.

5. *Additional Classifications.*—The board to have the power to add to the above classifications, provided a necessity arises for any expenditure which cannot be classified properly under existing headings.

6. *Method of Determining the Amounts of the Various Classes of Expenditures.*—Two months previous to the beginning of the fiscal year, the Board of Supervision to require each institution to submit a budget or estimate of its proposed expenditures, grouped under the above classifications. The aggregate amount of such budget to be the total amount made available by the Legislature for each institution. The Board to require that such budget, under each classification, be submitted in detail, designating the number and character of each article needed, with estimated unit cost. The Board, however, not to have power to determine quantities or unit costs, but to use such information as a basis for determining the necessity for the aggregate amount under each subdivision. The Board, previous to the beginning of the fiscal year, to pass judgment as to the amounts inserted under the various classifications and, in its judgment, to revise the aggregates. The amounts under each heading so determined by the Board to become the budget and basis of expenditure for the succeeding fiscal year, and to be transmitted to the respective institutions. The institutions not to be required to buy the specific articles listed in their estimates submitted to the Board; to be required, however, to confine their aggregate expenditures for any one class of supplies to the amount established by the Board for that class.

At any time during the fiscal year the Board, by a majority vote of those present, to make such further transfer of funds, from class to class, and from institution to institution as it may deem advisable.

7. *Accounting and Reporting.*—The Board to have power to determine and establish all forms of accounting used in the institutions; also to have power to determine the periods and forms in which reports shall be made by the institutions to the Board.

8. *Power of Inspection.*—The Board to have full power of inspection and the right to examine into all methods of conducting and administering the institutions.

9. *The Board to Make Recommendations.*—The Board to advise the managers and the superintendents with regard to all administrative policies, measures and methods touching at least the following matters:

1. Care, treatment and education of patients.
2. The purchasing of supplies, framing of specifications, forms of contracts,

selections of food, and methods of making comparisons of deliveries with samples or specifications.

3. Dietaries.
4. Fuel qualities and consumption.
5. Operation of the farms, gardens, care of live stock, etc.
6. Manufacture or raising of supplies and methods of exchanging the same between institutions.

10. *Boards of Managers.*—A board of managers to be appointed by the governor for each institution, consisting of from four to seven members; the boards of institutions with women inmates to have one or more women members. Members of the boards to serve as many years as there are members of the board. All necessary expenses to be paid. The boards to have all powers of management of the institutions not conferred upon the Boards of Supervision by the plan herein outlined. The boards to meet not less frequently than once each month. The boards to contract for all supplies, except as hereafter provided, on the basis of competitive bids. The superintendent to be permitted to purchase a certain amount of supplies in the open market from a contingent fund, the amount of which to be subject to the regulation of the Board of Supervision. Members of the boards to be subject to removal by the governor, on written notice and after an opportunity to be heard.

11. *Appointment of Superintendent.*—The superintendents of institutions to be appointed by the boards of managers of the respective institutions. A superintendent to be removed by the board of managers only for cause, stated in writing. Each superintendent to appoint or dismiss subordinates in his institution.

12. *Conferences of Superintendents and Managers.*—A quarterly conference of superintendents and one manager from each board to be provided for at which problems touching the care, treatment and education of the inmates and administration of the institutions are to be discussed. Such conferences to have power to provide for joint purchasing as outlined in the following paragraph:

13. *Joint Purchasing.*—The conference of superintendents to be given power to enter into joint contracts for supplies; such conference to decide what, if any, supplies are to be purchased by joint contract; if joint purchases are to be made, the conference to appoint a committee and delegate to it the power to draw specifications and enter into contracts for the supplies to be so purchased; the Board of Supervision



to furnish the committee such expert advice and clerical help as may be necessary to perform the function of contracting for supplies; the committee to be given power to have supplies, purchased under joint contract, tested in a state or college laboratory; provision to be made authorizing such laboratory to do the required work.

A decision as to the joint purchase of any particular supply to be binding upon all the institutions of the state, except that any institution may be exempted from such requirement by a majority vote of the conference, acting upon an appeal for such exemption, passed by a unanimous vote of the board of managers of such institution.

The conference to pro rate the expenses of the purchasing committee among the institutions on the basis of the gross amount purchased under joint contracts by each institution.

#### **9. Centralization and the Problem of Divided Responsibility<sup>1</sup>**

Governor White, in a recent address before the Chamber of Commerce of the State of New York, called attention to a "serious division of responsibility and power" as the cause of some of the State's activities "progressing in a far from satisfactory way." That the government of the State charitable institutions is open to Governor White's criticism is shown by the following statement prepared by the Fiscal Supervisor:

The eighteen institutions in the group reporting to the Fiscal Supervisor of State Charities are managed directly by the boards of managers or trustees, serving without pay, and receiving their actual and necessary traveling expenses only when in the performance of their official duties. All of their financial transactions are subject to the approval of the Fiscal Supervisor of State Charities.

All the institutions are visited and inspected by the State Board of Charities, except the New York State Reformatory at Elmira and the Eastern New York Reformatory at Napanoch which are visited and inspected by the State Commission of Prisons.

The prices on all prison goods used in the institutions are fixed by the State Board of Classification, which consists of a representative from each of the following Departments: Prison Department, State Commission of Prisons, State Commission in Lunacy, and Fiscal Supervisor of State Charities.

The employees in all the institutions reporting to the Fiscal Supervisor, except the New York House of Refuge at Randall's Island, are taken from the eligible list of the State Civil Service Commission.

<sup>1</sup> Extract from *Second Annual Report of the Board of Managers of Leitchworth Village* ("New York Senate Document No. 8," 1911), pp. 14-16.

The compensation of the employees in the institutions reporting to the Fiscal Supervisor is fixed by the Salary Classification Commission, composed of the president of the State Board of Charities and the Comptroller, whose action to become effective must receive the approval of the Governor.

All plans for new buildings, improvements, and betterments in the institutions must be approved by the Building Improvement Commission, which consists of the Governor, the President of the State Board of Charities, and the Fiscal Supervisor.

Expenditures for new buildings, improvements, and betterments are controlled jointly by the Fiscal Supervisor and the State Architect.

Food products used in the institutions and agricultural methods followed on the institution farms, are subject to examination by the Commissioner of Agriculture.

All weights, measures, and scales used in the institutions are examined by the State Superintendent of Weights and Measures, who also designates one or more employees in each institution to act as deputy superintendents of Weights and Measures.

The water supply, sewerage, sewage disposal plants, and garbage disposal plants are subject to the approval of the State Commissioner of Health, who is required to analyze water supplies twice each year and report the results to the Fiscal Supervisor and to the presidents of the boards of managers of the institutions. The superintendents are required to report to the Commissioner of Health any contagious diseases.

In addition, all of the institutions have to do business with the State Comptroller, who is the officer of final audit, as do also all State officials and all State departments.

Early in the year the Attorney-General decided that it is necessary for Letchworth Village to comply with all the provisions of the State Charities Law. As an adequate organization has not yet been created nor the necessary machinery installed to cope with the large amount of routine work required by the present elaborate system of control, the rate of progress has been correspondingly retarded; but in spite of methods sometimes complicated and often cumbersome, with the constant and hearty co-operation of all the departments at Albany, progress has still been made. Moreover, a practical demonstration has been given both of the excellent features of the present system and of other features which undoubtedly should be modified if the most satisfactory results are to be obtained.

In the State charitable institutions administrative efficiency is not at the highest level, and the truest economy of operation is not being practiced when a system of multiple control forces the departments at Albany, and the institutions as well, to lose a due sense of

proportion and to wander through mazes of minutiae which exhausts patience, dulls enthusiasm, and leaves but little time and energy for the fundamental problems which have called these institutions into being.

The present system has some excellent features, many of its defects being administrative. Improvements have recently been made, and by slight changes in the law efficiency can be further increased and sources of friction eliminated.

Wise, centralized control in fundamentals, conjoined with authority to enforce strict accountability, giving, however, a larger measure of home rule in detail matters which each institution should work out in its own way, will supply the incentive, now too often lacking, to make the institutions aspiring rivals and will overcome an attitude of dissatisfaction which, through no fault either of the State departments, governing boards, or executive officers, has been artificially created.

#### **10. Recommendations of the Illinois Committee on Efficiency and Economy<sup>1</sup>**

##### **A. THE CHARITABLE INSTITUTIONS**

At present the charitable and penal institutions of Illinois are administered according to two different systems, based upon opposite principles of administrative organization, although fundamentally the two classes of institutions are very similar, and no substantial reason exists why they should not be managed and controlled by the same sort of administrative machinery. A dual system of organization and administration for a group of institutions which, for administrative purposes, belong in the same class is anomalous. If reason and experience have shown, as they seem to have, that the charitable institutions can be more efficiently and economically administered by a single central board than by a series of separate boards, one for each institution, it is difficult to see why a similar system should not be adopted for the management and control of the penal and reformatory institutions. The results of five years' experience with the system of centralized control of the charitable institutions have undoubtedly demonstrated that it is both more efficient and economical than the old system of control by separate unpaid boards which gave only a small portion of their time to the discharge of their official duties. Apparently the new system

<sup>1</sup> Extract from *Report of the Efficiency and Economy Committee Created under the Authority of the Forty-eighth General Assembly, State of Illinois* (1915), pp. 396-400.

has worked out satisfactorily in practice and there is no desire to return to the old system in force before 1910. The present system is certainly in harmony with the best tendencies of modern administrative organization and it represents the ideal toward which charity experts have been striving for some years. Finally the adoption of this system of centralized control by so many states during the last few years indicates that it is destined to become in the near future the prevailing system of institutional administration in this country.

Under these circumstances it does not appear that any important changes in the present law for the management and control of the charitable institutions are desirable. The system of administration by a single board for all the charitable institutions should be retained substantially as it is. However, at least one minor change in the Act of 1909 is advisable, and there is another suggestion which perhaps deserves some consideration.

First of all it is worth considering whether the inspectional machinery which the Act of 1909 provides for the charitable institutions is not more elaborate than considerations of efficiency require. As the law now stands three different authorities or sets of authorities are required to inspect the charitable institutions: (1) the Board of Administration itself; (2) the Charities Commission and (3) local boards of visitors, one for each institution. The provision of the Act of 1909 authorizing the appointment of local boards of visitors to inspect the charitable institutions should be repealed. In practice the provision has until now been a dead letter, since with a single exception no local board of visitors has been appointed for any institution. The value of the service performed by such boards if they were appointed would be very questionable. In all probability they would be composed of persons who would have no special qualifications, and unless they were given an opportunity to visit other institutions for the purpose of comparing the conditions and standards prevailing in them, their judgments of the standards of efficiency in the particular institution which they are commissioned to visit would be of doubtful value. The Charities Commission with its inspectors, who are or should be experts in the field of charity administration, is the proper authority for inspecting the charitable institutions, for pointing out unsatisfactory conditions and recommending legislative and administrative measures for their improvement.

A change which the Board of Administration favors is the withdrawal of the training school for girls at Geneva and the St. Charles

school for boys from the jurisdiction of the Board of Administration and the placing of both institutions under the department of public instruction. The argument in favor of the proposed change is that both institutions are largely educational in purpose and that therefore they do not properly fall within the class of charitable institutions. But they are primarily correctional rather than educational institutions and do not properly constitute a part of the educational system of the State. In the other states where central boards of control for the state institutions have been established all such institutions as industrial and training schools for delinquent boys and girls are under the jurisdiction of such boards rather than under the educational authorities.

#### B. THE PENAL AND REFORMATORY INSTITUTIONS

Turning to the penal and reformatory institutions, each of which is under the management and control of a separate board, the system would be improved by either of the following changes:

They might be placed under the existing Board of Administration along with the charitable institutions, as is the case in the states of Arizona, Iowa, Minnesota, New Hampshire, North Dakota, Ohio, South Dakota, Washington, West Virginia, Wisconsin and Wyoming. The bill of 1909 as originally introduced so provided, and in this form it was favorably reported by the Senate committee to which it was referred. The inclusion of the penitentiaries and the reformatory under the Board of Administration was urged by the State Conference of Charities and Corrections and was advocated by many charity and penological experts in and out of the State; but the provision was stricken from the bill on the floor of the Senate, chiefly on the ground that owing to the large number of institutions in the State the placing of them all under the management of a single board would impose upon it a task so large that it would be difficult if not impossible for the board to give proper attention to all the institutions.

Since the board has now effected a permanent organization, developed the necessary administrative machinery, and its staff has acquired more or less familiarity with the problems connected with the administration of the institutions, the objection has less force than it had in 1909. Members of the board have declared that the addition of another member to the board or a slight increase in its clerical staff would provide it with the necessary machinery for managing the other three institutions.

Undoubtedly the board could purchase supplies for twenty-two institutions as easily as it can purchase for nineteen, and there are other services which could be performed with equal ease and efficiency for both classes of institutions as for the one class. Nevertheless, it is obvious that the more the number of institutions under the jurisdiction of the board is multiplied the less care and attention will it be able to give to each particular institution. The addition of the two penitentiaries and the reformatory to the institutions under the control of the board will bring under its jurisdiction and control more than 300 additional employees and more than 3,000 inmates, to say nothing of the increased business and financial operations, due to the operation of extensive industries by these institutions. Other states, it is true, have consolidated the management of all their charitable and correctional institutions in the hands of a single board and with good results. But no one of these states has so large a number of institutions as has Illinois. If we add to the number of institutions already under the management of the board, the three institutions that have been provided for but which have not yet been constructed, and the penal and reformatory institutions we shall have a total of twenty-five, with an aggregate population of more than 20,000 inmates.

In view of these facts the wiser plan would appear to be to create a separate commission, composed of three members, for the management and control of these three institutions. This was the solution proposed in Senator Manny's bill in 1909 and it is the plan that has been adopted in a number of states where there is more than one such institution.

. . . .

Whether the penal and reformatory institutions are managed and controlled by a single board or by separate boards, as they now are, they should be subjected to the visitatorial, inspectional and investigative jurisdiction of the State Charities Commission. The Hay, Manny and McKenzie bills, of 1909, all provided for the inspection of these institutions by a board of charities and corrections. As has been said, the charitable institutions are subject to the inspection of three different bodies; but the penal and reformatory institutions are subject to no supervision or inspection other than that of their own local boards. That is, each board of managers and it alone, has power to inspect its own work. This is an anomalous situation. These boards have under their care more than 3,000 prisoners and they control the expenditure and disposition of more than two million dollars annually, yet their methods of dealing with prisoners and their financial operations are

not subject to the inspection or supervision of any authority. Before 1909 the reformatory was subject to inspection by the State Board of Charities, but this power was not given to the present charities commission.

### 11. Confusion in Attempted Control<sup>1</sup>

The Board has repeatedly urged upon the Legislature the necessity of a careful consideration of the system of control of the State charitable and reformatory institutions.

The present system of control is cumbersome, expensive and unbusiness like. The Board is anxious to co-operate in securing a better and simpler system. It has no desire to object to existing conditions without helping to point the way to a remedy.

In October, 1913, the Board appointed a special committee to consider this subject. The Committee, feeling that no recommendations made by it could be of value without a knowledge of the facts, decided that an investigation of the business administration of the Village should be made, in order to determine the exact results of the present system as affecting a single institution.

Through the liberality of the Chairman of the Committee, the Bureau of Municipal Research of New York City made an exhaustive examination and an illuminating report.

The Special Committee transmitted to the Board on October 14, 1914, its report and its recommendations with the report of the investigation of the Bureau of Municipal Research. The conclusions of the Special Committee deserve very careful consideration. They are as follows:

As the conclusions reached by the Bureau of Municipal Research demonstrate clearly that the difficulties which have been encountered and the resulting delays in the development of Letchworth Village, are due primarily to inherent defects in the system of control (that is to say, in the law governing the State charitable institutions), in our opinion it would be desirable to have the Bureau of Municipal Research continue its investigations, so as to include the entire group of institutions, if the necessary arrangements can be made. Such a survey and report would lay the foundation for conclusions with respect to both central control and institutional management, based on a presentation of the facts covering all the institutions. A comprehensive and constructive plan may then be presented which will have for its object the elimination of red tape, duplication of work, and the overlapping of authority. A simple and effective system of control may be substituted which

<sup>1</sup> Extract from *Sixth Annual Report of the Board of Managers of Letchworth Village* ("New York Senate Document No. 8," 1915), pp. 13-17.

is in line with the best business practices and most modern and effective governmental methods.

In the meantime this report is presented in order that the effect of the present deplorable situation may be seen as affecting and retarding the development of a single institution much needed and subject to unnecessary and unjustifiable delays, as a result of situations created by laws intended to facilitate and safeguard the interests of the State, but so cumbersome and illogical in their effects that, even with the best of intentions, well meaning and zealous State officials often find themselves powerless to accomplish results obviously necessary and within the spirit but all too often without the letter of some statute.

To accomplish the most effective results a complete revision of the entire statute law governing the State charitable and reformatory institutions is necessary. After such a revision has taken place, a comprehensive plan for the development of institutions to provide for the needs of the next decade should be worked out in detail and with the greatest possible care by the best experts obtainable. This having been done, the State will be in a position to appropriate through a bond issue or large annual grants the sum necessary to carry out a really effective program.

The address of Honorable Robert W. Hebbard, Secretary of the State Board of Charities, at the State Conference of Charities and Corrections at Syracuse on November 20, 1912, furnished the basis of such a long sighted scheme. Until the above steps are taken appropriations should be confined to the completion of institutions now in existence or being developed. No further new institutions should be planned or started until this is done and a large bond issue, if expended under the existing conditions, would be the height of folly and would inevitably result in waste and scandal. So great, however, is the need of prompt action that in the opinion of your Committee the three steps above described should be carried out simultaneously, viz.:

1. A new system of control.
2. A plan for developing during the next decade.
3. A bond issue, or definite program of large annual appropriations.

The Board of Managers endorses heartily the above recommendations and believes that this matter is one of the most important subjects to be considered by the Legislature.

Governor Hughes, in an address at Syracuse on September 14, 1910, said, "I strongly believe in concentration of administrative responsibility." This sentence was quoted by William Church Osborn at a conference of the Democratic party held at Saratoga, August 26, 1914.

"The executive business of the State," said Mr. Osborn, "requires revision and it is our wisest policy in my judgment, to reform the execu-



tive and administrative functions of the State with a view to creating a businesslike organization." In the same address, Mr. Osborn also said:

The other great activities of the State are now in the main developed, with the exception of the curative and charitable departments, in which large sums are asked for additional construction to care for additional inmates. This means an additional annual per capita expense. An addition to our annual appropriations from this source of approximately \$2,000,000 a year must be expected. It has been my fortune to come in somewhat close contact with the executive work of the State of recent years, and to consider with some care the preparation of appropriation bills. I do not consider from my experience that the state can look for any great saving upon the cost of its existing activities. I think, however, that, with due care and the establishment of a normal business system of administration, with the Governor as the Chairman of the Board, and the heads of departments sitting as a cabinet or a board of directors, we could reasonably expect that the existing activities of the government might be managed at a saving of \$2,000,000, against which must be set a certain growth in our care of dependents of \$2,000,000 a year and in the maintenance of our highways of \$4,000,000 a year. I look therefore for an increase in our expenditures in the next few years to a total of forty-five or forty-eight millions of dollars for our general appropriations and approximately ten or twelve millions of dollars a year for the payment to the sinking fund.

Harold J. Hinman, Republican leader of the Assembly, during a debate in that body last winter said:

The above citations are made in order to show that the importance of obtaining an efficient system of business control is not a party matter, that it is recognized by the leaders, without respect to party affiliations, and that for this reason there is great hope that the matter will, at the proper time, receive the attention it deserves and be settled in such a way that the dependent and defective wards of the State may receive the humane and enlightened care which they deserve at the lowest possible cost to the taxpayer.

Herbert F. Prescott, formerly Deputy Fiscal Supervisor, in a report made to the Assembly on May 6, 1914, on the conflict of authority and laws concerning charitable institutions of the State said:

The organic laws of the institutions in the charities group give to the boards of managers fairly extensive powers over their respective institutions, placing in their hands the general superintendence, management and control of the institutions over which it is appointed and of the grounds and buildings, officers and employees thereof, but today scarcely a vestige of that power remains with them. . . . Sane progress demands that the really important administrative functions now exercised by twenty-six departments

be sorted out and located in one central department that shall act as a general clearing house for institution business, giving to the boards of managers of the institutions in fact those powers which they have in law and leaving in the hands of a separate board the power of visitation and inspection as a proper check upon the institutions and upon the administrative board.

Governor White, in an address before the Chamber of Commerce of the State of New York, called attention to a "serious division of responsibility and power" as the cause of some of the State's activities "progressing in a far from satisfactory way."

Governor Glynn in an article entitled "The Need and Scope of the Constitutional Convention" said:

In the first place, the convention should make possible a revision, from the bottom up, of the State's present method of government, so as to place that government on an efficient business basis. *Under the present lack of system and tangle of needless duplication of officers and overlapping of effort, there is a spendthrift failure to utilize opportunities and a lack of co-operation that would not be tolerated for an instant in any private enterprise.*

In many instances several departments do the work which should properly be done by one. Instead of purchasing supplies for the entire State at wholesale, the State now buys its supplies practically at retail. *Throughout, the State's operations are bound up with red tape which, far from protecting it, works to its hampering and disadvantage.*

*All money for new buildings and public improvements in the future must be raised by direct taxation.* The State is already overburdened with taxes. It would be a hardship to ask New York's taxpayers to raise in two or three years the money for improvements that are to last perhaps fifty. This subject, too, must be considered by the Constitutional Convention.

The abuses which have crept into the civil service system, and which are admitted on all hands, should be remedied by constitutional provisions that will bring the civil service law into consonance with its original purposes.

## 12. The Massachusetts Board Resists the Attack of the "Efficiency" Expert

*To the Legislative Joint Committee on Ways and Means and the Committee on Public Institutions sitting jointly:*

Upon the issues involved in the report and recommendations of the Commission on Economy and Efficiency, House 2137, involving the

<sup>1</sup> Arguments presented March 12, 1914, by the Massachusetts State Board of Charity through its secretary, Robert W. Kelso, to the Legislative Committee against Proposals of the Massachusetts Commission on Economy and Efficiency, House 2137 ("Senate Document 440," General Court, 1914).

abolition of the supervisory system of conducting state institutions and the substitution therefor of what would amount to a centralized one-man system of control, the State Board of Charity feels a duty to present to you certain facts and opinions omitted from or overlooked in the Commission's report. It therefore submits for your consideration the following statement in the form of an analysis of that report:

I. The Commission's bill proposes to abolish [the State Boards of Charity, of Insanity, of Prison Commissioners, the Commission for the Blind, the Probation Commission, the Boards of Parole, the Boards of Trustees of the sixteen state hospitals, and other institutions over which the State Board exercised supervision]. . . .

These boards are, with the exception of the Prison Commissioners and the parole boards, unpaid, and taken together they constitute the Massachusetts system of administering and supervising institutions and other public and private enterprises in the field of charity and correction. They stand in a group by themselves and are not to be confused with the commissions created for special administrative tasks, such as public service, harbor and land, parks, transportation, fish and game, and the like. They deal with the great human problems that confront this community; the question of their abolition consequently is to be separated sharply and completely from that other question at present under consideration, namely, the consolidation of overlapping commissions of the sort just named.

II. Instead of the existing system, the Commission's bill substitutes the following highly centralized system of administrative control with no rational provision for supervision:—

- A. A board of five trustees, salary \$1,000 a year, to constitute a central board of control, grouped about a
- B. Director of public institutions, salary to be determined by the Board, who shall have the duty of administering all the institutions of the state; also the power to appoint
- C. Four executive secretaries charged with the duty of carrying out the director's orders. One of these is to have direct charge of 13 hospitals for mental defectives.

Another, called the secretary for hospitals and sanatoria, has direct charge of eight other institutions,—the Leper Hospital, the four State Tuberculosis Sanatoria, the Hospital School, the Norfolk State Hospital for inebriates and drug habitues, and the State Infirmary at Tewksbury. A third has eight institutions, which comprise the two industrial schools for boys, the Industrial School for Girls, the State Prison, the Prison Camp and Hospital, the State Reformatory, the Reformatory for Women

and the State Farm. He would carry out also the non-institutional duties of the present Prison Commissioners.

The fourth executive secretary is entitled "for charity." His duties are the performance of all the non-institutional functions of the present State Board of Charity, and of the functions, institutional and otherwise, of the present Commission for the Blind.

- D. A business agent to carry out the director's orders and to appoint a purchasing agent who shall do all the buying, not only for the department but for the 27 State Institutions and the Institutions under the Commission for the Blind.
- E. A board of three unpaid visitors (the system in use in 1855) who shall have the power to listen to complaints from inmates; to report thereon; and "to suggest for aid in the medical and correctional features of the administration."

### III. Of the *Executive Secretary for Charity*, the Commission says:

The work under this official would be in a large part such as is now conducted directly by the Board of Charity. This is of itself a large undertaking, appropriation for which during 1913 was \$66,187.00, and the estimates for 1914 are \$1,201,082.00. It is probable that the work now performed by the Blind Commission and the institutions under it could be assigned to this official.

The Commission's report nowhere contains an indication of the duties of this proposed executive secretary for charity other than the general paragraph just quoted.

In March, 1913, an exhaustive questionnaire relating to the duties of the State Board of Charity was submitted by the Commission to that Board, which made answer in detail. Subsequently, in September of the same year, a second questionnaire containing almost identically the same questions, but arranged in a manner sufficiently different to require preparation of the answers a second time was submitted and answers again made in detail. The same information was sought and obtained of other Boards and Commissions.

In considering therefore the analysis given in the report of the Commission to the work of the Board of Charity, which they say conducts one of the largest groups of the State's activities, it must be remembered that there can be no excuse for ignorance, and this in spite of the fact that the Commission has changed chairmen during the time of this study and has during a large portion of the critical period of its inquiry consisted for all practical purposes of a single member.

It is necessary therefore to supply this defect partially by a brief statement of the principal duties and functions of this Board.

## SUPERVISION OF STATE INSTITUTIONS

The Board has general supervision of the State Infirmery, the State Farm, the Norfolk State Hospital, the Lyman School for Boys, the Industrial School for Boys, the Industrial School for Girls, the Massachusetts Hospital School and the State Tuberculosis Sanatoria at Rutland, North Reading, Lakeville and Westfield.

This supervision involves visitation and inspection with recommendation as to policies and methods; it requires careful study of institution methods and development; it demands analysis of payrolls, bills for food, furnishings, repairs, etc., with the tabulation of data likely to be of value to the institutions in the future. In carrying it out, the State Board of Charity has expended much time and thought upon the human side of institutional activity. Nor has it neglected the material administration. All vouchers are analyzed each month and a schedule of the comparisons sent to each superintendent, so that he may see how his associates are buying and whether he is likely to better his economies by changing his specifications, by placing his orders earlier, by seeking a different market, or may profit by any other facts which comparative analysis may yield. Combined purchasing of coal has been tried during the past year, resulting in very little reduction in price and a slight reduction in the quality purchased. The principle is considered sound, however, and its application will be continued.

A reasonable system of waste accounting has been submitted to the several institutions. It is partially in operation as to table waste and will receive increasing favor as the institutions realize its great value.

In like manner a system of dairy records has been urged and is already yielding returns sufficient to show the fallacy in the Commission's figures on the cost of milk.

All plans and estimates for the construction of new buildings must have the approval of the State Board. Likewise, the Board approves estimates for maintenance.

All these activities would be done away with by the Commission's plan, and the necessity for them met by entrusting their consummation to new administrative authorities unsupervised.

## THE CARE AND CUSTODY OF STATE MINOR WARDS

Under existing laws the State Board receives, has custody of and must provide for 5,600 children. By a system begun in this Common-

wealth by this same State Board of Charity and now famous the world over, these children are placed in foster homes where they may receive home environment. This process constitutes one of the greatest institutions now conducted by the State. Yet it involves no buildings, no farm, stable and grounds, no heat, light and power, nor any of the physical aspects of plant and maintenance. If these children were all to be cared for in institutions, it would require 22 plants and equipment equal in size to the Massachusetts Hospital School. The paid force now organized under the State Board of Charity to carry on this work consists of one superintendent, one deputy, 48 visitors and 29 other employees.

This large constructive task demands the constant attention of Board members, not merely in the passing upon departmental recommendations, but in personal service seeking to interest private individuals and agencies where their assistance would be of service to the community.

Children thus placed in charge of the State Board may remain during minority. Their normal annual increase is from six to seven per cent. It is a great and growing institution. Yet the Commission has nowhere in its report seen fit even to mention this branch of the Board's duties, even though they recommend that the entire work of the State Board of Charity, other than institution administration and supervision, be given over into the charge of an "executive secretary for charity."

#### THE SUPERVISION OF PRIVATE CHARITIES

There are about eight hundred private charitable corporations in active operation in Massachusetts. The State Board of Charity is required to visit and inspect each of these corporations annually.

It receives an annual return from each corporation and makes printed report of the same.

It is required to investigate all petitions for charitable charters and to give public hearing upon each petition. It is now a developing doctrine in this state that a private charity is a public trust and as such should be amenable to reasonable state supervision. The supervision exercised by the State Board of Charity is resulting in the development of standards for proper organization of charitable agencies, and right standards of relief. This is a work demanding all of the specialized knowledge of that Board in the field of charity. It is a work watched with intense interest by other states and other English speaking peoples. So far as its report indicates this extensive activity is unknown to the Commis-

sion; yet it, too, under their recommendation would become the labor of the "executive secretary for charity."

#### THE SUPERVISION OF PUBLIC POOR RELIEF

It is now an established policy in Massachusetts that public relief, touching the welfare of the entire community so vitally, is the proper subject of reasonable state oversight. To this end the State Board of Charity receives returns from the Overseers of the Poor of the 353 cities and towns of the Commonwealth covering numbers of persons relieved and the cost of aid.

It visits each of the 180 almshouses annually, reports upon conditions, advises local authorities as to methods of care and as to improvement in conditions. It visits all places where state paupers are supported, and ascertains from actual examination and inquiry whether the laws relative to such paupers are properly observed. Hundreds of cases are thus visited.

The Board supervises relief rendered by cities and towns to mothers with dependent children under the act cited. A corps of visitors is thus kept constantly in the field, following up cases of relief in charge of the local overseers of the poor. This task also requires special skill of a high order in the field of charitable relief. Unmentioned by the Commission, it, too, would fall to the "executive secretary for charity."

#### THE DETERMINATION OF SETTLEMENTS

The Board is required to ascertain the place of settlement of all persons coming to State support. Under this law, about 11,000 cases are examined each year. This, too, would become the duty of the "Executive Secretary."

#### THE LICENSING OF BOARDING HOUSES FOR INFANTS

The Board licenses and inspects all boarding houses for infants. Several hundred licenses are granted annually and the number of visits required each year to ensure proper supervision is well over the thousand mark.

#### THE LICENSING OF LYING-IN HOSPITALS

Lying-in hospitals are similarly licensed by the Board. No person may lawfully conduct a lying-in hospital without first obtaining a license from the State Board of Charity, and all such places are regularly inspected by the Board's officers. Over 10,000 confinement cases are

cared for annually in these licensed hospitals. These latter duties are not recognized by the Commission as worthy of mention in connection with the proposed Secretary for Charity who would have the burden of carrying them out.

In addition to the above duties the State Board of Charity is engaged in numerous duties all involved in the performance of their proper function as leader and developer of the policies of the State in the field of charitable endeavor: After-care of unmarried mothers discharged from the State Infirmary, the removal of public dependents who belong outside the State, the prosecution of putative fathers of illegitimate children whose mothers have been cast upon the state for support. These and many additional functions must fall to the lot of the said "Executive Secretary for Charity." Alone and out of his single-mindedness he must carry on that work which now engages the best thought and energy of a selected group of especially trained citizens who yield their services for the good of the community and not for pittance. Under him is a paid force not better than the present corps; over him a director of public institutions so engrossed with the brick and mortar, the farm, stable and grounds, the heat, light and power, the contracts for beef, flour and a thousand articles of food, that the more abstract, less tangible and less visible *human* aspects of the field are removed from his grasp and beyond his understanding.

But the Commission is not willing to stop here with their secretary for charity. He must likewise perform the functions of the Commission for the Blind.

Here, also, he is confronted by large constructive tasks normally requiring the greatest courage and the highest intellectual qualifications that the community can afford. The present Commission for the Blind keeps track of every blind person resident in the Commonwealth. It acts as a bureau of information and industrial aid. It is an employment agency to place blind workmen. It has established and equipped and now maintains six industrial workshops for the blind in various cities of the Commonwealth. It is constantly in process of creating market for the sale of articles made by the blind, and is charged in general with the devising of means and the suggestion of policies for the amelioration of the condition of the blind. This is a work of which Massachusetts is proud. It is well done. Yet it is a serious question how valuable it would continue to be should it be cast into a mental pigeon-hole along with the State's present conduct and future policy in the care and custody of children, the supervision of public



and private relief, the development of standards of humane treatment of the poor, and the sick—confined in the head of one “Executive Secretary for Charity.”

At page 21 of the report appears in large capitals the caption “Development of Present Methods.” Fairly interpreted it means to imply a statement of the development of the present methods of conducting state enterprises beginning at the beginning and coming down to the present. The “development” as presented in the report, however, is a page and a half in length and contains two definite statements. The first statement is this: “There is little question but that the original purpose of the Creation of the Board of Insanity was to establish a body who would have general control and oversight of all matters affecting the insane wards of the state.” The second statement is: “A similar central control was supposed to be secured through the placing of different institutions under the Board of Charity, but the result has been a failure to control exactly as in the case of the Board of Insanity.”

Both of these statements are directly contrary to the fact. This passage in the report could have its source only in a dense and inexcusable ignorance of the entire development of state care in this Commonwealth. Not only does it flatly misrepresent the State, but it appears to find that the State Board of Insanity and the State Board of Charity, out of which it sprang, have both failed of their purpose.

The State Board of Charity was created in 1863 as a result of careful study into the condition of the nine State institutions then existing and the best methods of securing higher efficiency in their functions and greater economy in their operation. . . .

This report<sup>1</sup> sets out in clear and unmistakable terms the reasoning upon which they based their recommendations for a State Board of Charities. . . .

The Board created as a result of this study was by the first section of the act directed and empowered to “investigate and supervise the whole system of the charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration.”

It is apparent, therefore, that the unqualified statement of the Commission on Economy and Efficiency that “a similar central control was supposed to be secured through the placing of different institutions under the Board of Charity” is diametrically opposed to the truth

<sup>1</sup> [See above Part I, Sec. II, Document 17.]

and that the truth was in no way concealed from even the most superficial inquiry by this Commission. Reference to the report of a Special Commission appointed by chapter 60 of the resolves of 1896 "to investigate the public charitable and reformatory interests and institutions of the Commonwealth . . . ." and to the subsequent act creating the State Board of Insanity will further show that the statement of the present commission declaring that the State Board of Insanity was intended to exercise direct control of the institutions for the insane, is equally foreign to the truth, and that the truth could have been had for the asking. The purely supervisory and advisory nature of these Boards is further emphasized by the last provision in Sec. 9 of chapter 433 of 1898 and by chapter 446 of 1904, Sec. 12, and chapter 474, of 1907, Sec. 14, which provide in effect that these Boards may assume the administration of certain state institutions upon the direction of the Governor.

It is not to be forgotten that while the present report contains much dissertation upon the saving of waste, it contains in support thereof no valuable proof; and that the recommendation for a centralized administrative control must therefore come back in the last analysis to the assertion that the existing Boards are not fulfilling the purposes for which they were created. That assertion is the real basis for the recommendation. Consequently its absolute falsity should not be lost sight of in weighing the value of the recommendation.

IV. The report appears to register certain complaints against the existing system, but it finds no fault that is in any way demonstrated as a proper basis for change. By way of proof that there is no genuine basis for the criticism, the several objections made by the Commission are here analyzed.

1. The first objection is that there is interference and overlapping among the supervising boards. To show this alleged defect the Commission cites the following instances:

a) The State Infirmary, the State's great almshouse at Tewksbury, controlled by a Board of seven trustees, is supervised by the State Board of Charity, but the care of the insane is subject to the supervision of the State Board of Insanity. This is claimed to be a detriment, going to prove the worth of the Commission's recommendation. Though the State Board of Charity has for years recommended the removal of the insane from the State Infirmary, to the end that the method of classification may be more thorough-going, there is nevertheless complete cooperation in the care and oversight of the insane

wards of the State Infirmary. The inter-relation of the two supervisory Boards is conjunctive and cooperative, not destructive and conflicting. The Commission points out no defect whatever in the care of the insane at Tewksbury, and none can be pointed out.

b) The Commission cites also the State Farm, a composite institution, produced historically by combining the Bridgewater State Almshouse with the State Farm and the Bridgewater State Hospital for the criminal insane. The complaint is that the State Board of Charity and the State Board of Insanity have coordinate supervisory power and that the Prison Commission is also concerned by reason of the transfer of insane criminals here for confinement and treatment. The answer again is that the inter-relation of the three Boards is conjunctive and cooperative, not disjunctive and conflicting. It is to be remembered that the original condition out of which the supervisory system is rescuing the state was that in which old and young, normal and defective, were cared for in a single place. The criminal insane are cared for at the State Farm to effect economy by saving overhead charges. No single Board could better the present care, and indeed the Commission has no complaint as to the value of this care or the economy with which it is brought about.

c) The next case of overlapping cited is that of the three State Training Schools for juvenile offenders. The Commission has here unwittingly noted one of the valuable proofs of excellence in the supervisory system, namely, the cooperation that is constantly carried on between the authorities in charge of prisons and the Board controlling the Training Schools. The situation today is that the care and training of juveniles is removed from the influence and the atmosphere of prisons for felons. The struggle to bring about this result has gone on for fifty years and is the direct accomplishment of the supervisory State Board of Charity through its watchfulness of sound state policy in the field of juvenile correction.

d) The fourth case of overlapping cited is that of the Norfolk Hospital which as noted by the Commission is administered by The Trustees of Foxborough State Hospital. This hospital was established by chapter 530 of the Acts of 1912 (see also 635 of 1910 and 754 of 1911) as a result of many years of study and experiment by one of the unpaid Boards which the Commission seeks to abolish—a study which is received and carefully considered in other states and by other nations (see House Document No. 1390, of 1910). The Commission states that “the State Board of Charity has presented a bill to the present session

of the Legislature for the creation of a separate Board of Trustees for this Institution." This statement is entirely erroneous. The State Board of Charity has not submitted such a bill and the subject has not been considered by that Board at any of its meetings. The error is noted here merely to emphasize the general untrustworthiness of the Commission's report.

e) It is further complained that while the State Board of Insanity has the supervision of the institutions for the insane, the epileptic and the feeble-minded, the State Board of Charity investigates the settlements of paupers confined in these institutions. In brackets at the end of this statement the Commission notes that "the enforcement of these laws would apparently apply only to institutions for epileptics and feeble-minded."

It is a fair inference from this statement that the Commission on Economy and Efficiency is still ignorant of the fact that the reason why this law no longer applies to the insane is that it was repealed by chapter 451 of the Acts of 1904, about ten years ago; and that as to the epileptic and feeble-minded, it was repealed in 1908. The result of those statutes is that the State Board of Charity no longer investigates settlements of inmates of institutions for mental defectives for the purpose of determining liability of cities and towns for their support. The erroneous statement is emphasized here to show again the shallow and untrustworthy character of the Commission's report.

These five points of so-called *interference and overlapping* therefore prove upon examination to be made up of one completely false statement and four instances of valuable cooperation illustrating the effectiveness of the present system of conducting State institutions. In so far as there is substance in this first group of objections, it argues against the Commission's recommendations.

2. The subject of overlapping has apparently inspired the Commission's second group of objections, namely "cross-purposes in functions and activities." It is probable that no other portion of the Commission's report betrays greater ignorance than this of the policies and tendencies at work in this Commonwealth in the classification of dependents, defectives and delinquents.

a) The first observation made by them under this head is that the State Board of Charity is supervising the State Farm and the three training schools for juveniles while the Prison Commissioners have charge of the reformatories and the State's Prison. The reason, in the opinion of the Commission, why this is a cross purpose in functions is

that the State Farm, the Lyman School for Boys, the Industrial School for Boys, the Industrial School for Girls, the State Reformatory and the State's Prison are all alike in institutional purpose and should therefore be administered by a single undivided authority.

The dark ages of prison history show the child of tender years in the same prison and often in the same cell with the felon whose crime was infinitely worse than the taking or the destruction of property. Prisons of the older days were the most completely equipped colleges for crime and outlawry. One of the greatest inducing causes of the now world famous National Conference of Charities and Correction was the revolt of a thinking nation against the vicious and inhuman condition of children and youth in America's prisons.

So great has been the effort in the development of sound public opinion in the direction of separate and constructive care of juveniles that the Massachusetts Commission on Economy and Efficiency, in its demand that three noteworthy industrial schools shall again be merged into the prison system of this state, places itself alone in a position of marked ignorance.

b) The same observations apply to the second objection of the Commission under this second group of complaints, namely, the visitation of county training schools by the State Board of Charity, even though the Prison Commissioners supervise county jails and houses of correction. The six county training schools in Massachusetts are far from satisfactory. In the opinion of the State Board of Charity they have no proper place in the community's plan of juvenile correction, but insofar as there is any proper basis to the county training school, it is exactly analogous to that of the State Industrial Schools and is just as remote from the prison as they. The State Board of Charity has the power to visit and to report upon these schools but no other right or duties with reference to them.

c) The third and final complaint in this group is that the care of the insane, though the Commission recognizes it as "a specialized activity," is "but a sub-activity of the broader function of caring for dependents and defectives." The Commission, after stating this premise, offers figures on the numbers of insane persons supported from the public treasury but gives no conclusion whatsoever. The reader is left to imagine in general any dreadful consequence his mind may picture and in particular to assume that if this charge is so there must as a result be something radically wrong with the present system. The truth is that the care and treatment of mental defectives is, as the Commission admits, a "specialized activity"; so much so that all progres-

sive states have so arranged their systems of institutional care that specialists will be attracted to the service of the community in its struggle with the problem.

In the earlier days, prior to 1898, the institutions for the insane were supervised along with other charitable institutions by the State Board of Charity. When the problems reached such magnitude in this state as to constitute one great subject in itself, the whole group was properly set off under a special Board charged with the duty of studying methods in that field. Thus arose the State Board of Insanity. As a result of these special studies, the antiquated system of local care for the insane, opposed by the best students of the subject for many years, was finally overturned, the State assuming the care and treatment. The Commission, in so far as they make any statement on the point, lay emphasis on the patients' ability to pay. The best systems in vogue in civilized countries—identical with that in force in this state—lay rather more emphasis upon the defect of mind than upon the state of the patient's pocketbook.

This is all that can be found in the Commission's second group of complaints—an exhibition merely of their own lack of knowledge—affording no support whatever to their revolutionary recommendation.

3. At the close of these general observations, the Commission calls attention to certain alleged difficulties in details under the heading "Work within the Institution." In summary, these defects are that the superintendents do not delegate sufficient of the details of administration to subordinate officers; that there is not sufficient uniformity in departmental arrangement and minor offices; and that there is not sufficient uniformity in the ratios at the several state institutions between employees and patients or inmates.

a) The Commission discovers that the business administration is a heavy drain upon the Superintendent. It is left for inference either that the business is inexpertly done or that the human side of the institution suffers through inattention. No superintendent is found to be incompetent and no criticism is offered of the results obtained by any one of the institutions.

The remedy advocated is the centralization of all this business in the hands of one director of institutions, a system found in New York to result in a centralization of details instead of larger questions of policy, hampering rather than helping the Superintendent. (See report on an Investigation of the Methods of Fiscal Control of State Institutions, 1911, New York, p. 227). As found by Mr. Henry C. Wright, the

expert on fiscal administration of institutions, who made that investigation, and as demonstrated in the experience of all of the more important states of the Union, the right method of development is invariably the decentralization of details and the centralization of plans and policies. What the Superintendent needs is expert advice upon the human side of his task, not interference with the business details for which he is responsible.

b) The Commission objects that the organization of institutions is dissimilar and that employees who perform similar tasks are found at different institutions to have different names. Thus the Commission says that

Not all the employees in mind do all these things, but almost all of them do similar work and would seem to be likely to have similar titles. But instead of having similar titles, they have very dissimilar ones, as in some places they are known as porters, in other places as basement men, occasionally as janitors, sometimes as general workers, while in one institution two employees doing this sort of work are known as a carman and a pickup.

Stress is laid by the report upon the difficulty, due to the variety of titles, of determining the work of large numbers of employees.

It is respectfully submitted here, by way of correction of this point of view, that the institution should be judged by its results; is it working out its purposes with effectiveness and with reasonable economy? As to the titles of employees, there is not much in a name, and the hardships upon the Commission of looking beneath the name to ascertain the duty is not of great importance to the Commonwealth.

c) The varying ratios of employees to inmates or patients appeals to the Commission as a startling fact indicating comparative inequalities in institution effectiveness. In this criticism also they do not get beneath the surface. For instance, after citing the high proportion at the Rutland State Sanatorium, they remark that "Probably there are some special conditions at Rutland which would perhaps tend to increase the number of employees, but a smaller number would doubtless do all necessary work." They say nothing of the many rods of covered corridors in the buildings of this Sanatorium—constructed before modern methods of treatment were developed—every foot of which must be dusted and cleaned morning and evening, and of the ill-arranged kitchen facilities, greatly increasing the waiters' force; yet it would seem that the reader who is invited to swallow the high ratio as a basis for a plan abolishing the present system should be given these plain facts so that his judgment may be fair.

In general it should be understood that an able-bodied person requires less care than a medical or surgical hospital case, and that differing needs give rise to differing ratios in the paid force necessary to meet them. Variation of itself, without explanation, proves nothing. Thorough analysis by the Commission of the existing payrolls showing the nature of duties, the variances in rates of pay and other facts attending the paid force in our state institutions would be a distinct service to the State and an assistance to the Boards now carrying on these enterprises. But such superficial statements as those here made by the Commission serve only to befog the question.

4. Beginning at page 29, the report, for three pages and a half, notes gaps and inconsistencies in the methods of accounting at the several institutions. After admitting that the general system of accounting is under the direction of the State Auditor's department, the report outlines the general method of accounting followed by the institutions. A fair and full report should have begun by re-stating chapter 597 of the Acts of 1908. Section 4 of that statute is as follows:

SECTION 4. Under the direction of the auditor, the supervisor of accounts shall direct and control all the accounts in all departments, and shall have full authority to prescribe, regulate and make changes in the methods of keeping and rendering accounts, and shall see that they are properly maintained, and that all items are correctly allocated between capital receipts and disbursements and operating revenue and expense. He shall establish in each department a proper system of accounts, which shall be uniform so far as is practicable. He shall establish a proper system of accounting for stores, supplies and materials, and may provide, where he deems it necessary, for a continuing inventory thereof. He may inquire into the methods of purchasing and handling such stores, supplies and materials by the departments, reporting to the auditor such changes as may in his judgment be deemed wise. He shall provide such safeguards and systems of checking as will insure, so far as is possible, the proper collection of all revenue due the commonwealth; and, where he deems it necessary, shall provide that forms and receipts shall be numbered consecutively, making the departments responsible for their use or cancellation.

The truth about the accounting situation is that this State is in process of developing a valuable system of audit, which shall include the dictation and enforcement of accounting methods by a central body, namely, the department of the State auditor.

When, therefore, the Commission finds flaws in the method of storehouse accounting, of requisition and voucher, or of inventory, they find fault only with the State Auditing Department, charged with the



duty of laying down methods and enforcing them. When they point out that there is no distinct line of cleavage between maintenance expenditures and social outlays, they quarrel merely with the State Auditing Department, which has thus far failed to lay down a workable rule.

The Auditor of the Commonwealth is by law a member of the Commission. His name is subscribed to the Commission's report. On the score of efficiency and economy in the State's business, it would seem not to be an unfair criticism of this Commission that they should at least within their own ranks, seek a fair trial for the laws that exist rather than to sweep the entire system away as with a wave of the hand.

The present system of centralizing methods, leaving details of administration decentralized, is in accord with the best American experiences. Much progress has been made in methods of audit and of account in Massachusetts. That the system is slow in consummation suggests encouragement of the State Auditor rather than a sweeping change which would throw the business details along with the direction of methods and policies into the hands of a single man—the director of public institutions.

5. Much weight is given by the report to alleged under-development of the farm and incompleteness of farm accounting. Insofar as the criticism is just—and there is much yet to be accomplished in farm management at the institutions of this and other states—it goes upon administrative details only, and does not touch the value of the system which the Commission seeks to overthrow. As to the accuracy of the tabulated figures on the cost of producing milk, a single instance carefully analyzed is here appended with reference which make its full verification an easy matter. [This lengthy comparison is omitted.]

If the foregoing data are correct, the fact that the figures tabulated in the report of the Commission vary 100 per cent in the case of Lyman School raises a serious question whether the remaining figures, purporting as they do, to prove chaos in milk production can be trusted in any other of the numerous instances they cite. It is submitted that the Commission's report upon which they rely to prove the advisability of their revolutionary plan of centralized administration, is superficial, inaccurate, and untrustworthy, not only in its inferences from the facts of administration at the several institutions but even in its statement of the facts themselves.

6. Finally, the report severely arraigns present methods of building

construction and of plant development. Engineers employed by the Commission report that *from a purely engineering point of view* there is not enough large constructive planning in plant development—a defect recognized and complained of by the supervisory boards. Not knowing the human side of institutional administration the engineers of course report no case of buildings inappropriate to the functions for which they were designed. The fault, as found, and as adopted by the Commission, is that buildings vary too greatly in style and capacity, a condition making for waste in first cost and in upkeep. The remedy proposed is the unit system applied to all buildings regardless of purpose. A set of collapsible forms is to be constructed so that a standard section constructed of poured concrete may be built; and this set of forms is to be used by all state institutions for all buildings, the larger structures to be multiple of the unit. . . .

There can be no question that the unit system of construction should be used for similar structures. The present boards have urged uniformity in construction for identical purposes, but never has the mere uniformity of construction been allowed to interfere with the proper working out of the functions which the structure in question must perform.

The point at which the engineers and the Commission who endorse them fail is exactly this point as to function. They do not know what purposes are similar. Their ignorance of the human side of the institution naturally drives them to throw emphasis upon the mechanical side of the question. To them it appears to be merely a matter of engineering, and the care and treatment of inmates and patients no more than a question of storage.

The sum total of the Commission's complaints is found upon analysis to be a recitation of shortcomings in administrative details, and for the most part an argument against the sort of centralization which they recommend. The statement that the present supervisory boards were intended to exercise administrative control and have failed in that purpose is found to be plainly false. The charges of interference and overlapping turn out to be imaginary and completely groundless. The cross purposes insisted upon in functions and activities are shown to be errors in the Commission's definition of functions and a monument to colossal ignorance of the purposes of the institutions maintained by this Commonwealth. Their alleged inconsistencies in minor details of bookkeeping and in the labels attached to occupations is found to arise to a large degree out of the inability of their agents to grasp the situa-

tion at a cursory glance; shortcomings in accounting are chargeable directly to the Auditing Department conducted by a member of the Commission itself; and the lack of uniformity in building construction taken in connection with the concrete section recommended places the present Commission not less than fifty years behind the stage now attained by Massachusetts in the development of facilities for institutional care and treatment. To the Commission the institution is an end in itself, rather than the means to an end. In their eyes its business management is the sum total of its purposes.

V. In the last analysis, however, even if it could be found that the present condition of our state institutions demands correction, the recommendation of the Commission that a highly centralized one-man-power system of control be inaugurated is wholly inappropriate to the purpose. It is a proposal discredited by reliable experience in many jurisdictions whose problems have been similar to our own.

The axiom in the organization of public charities and correction, derived and demonstrated by decades of experiment, not only in Massachusetts but also in New York, Ohio, Indiana, Michigan, Wisconsin, Iowa, Nebraska, and a score of other states, is that the study and promulgation of methods and policies must be centralized in a body having no other authority over the institution; but that administrative details shall be decentralized in the several administrative officers employed on the ground and conversant with the intimate everyday needs of the institution. Such a system can be effected only through the supervisory system, in which a Board administers the institution subject to the advice of a central body in matters of policy. . . .

There is no hint in the Commission's report that in their treatment of this vital question they have ever investigated or even had knowledge of the experiments of other states in seeking the best method of institutional development. An examination of the per capita cost of maintaining state institutions elsewhere together with the cost of buildings will show that the percentage of Massachusetts compare very favorably, being in many cases lower than those of institutions controlled by the system proposed. A little further inquiry (easily made through the annual reports of the National Conference of Charities and Correction) will show the significant fact that the epoch making advances in classification, care and treatment of dependents, delinquents and defectives have come from states in which the supervisory system and unpaid boards obtains, notably Massachusetts and Indiana.

In addition to these sources of information, there still remain the special investigations that have been carried on in this state and elsewhere with the same purpose as that behind this present report. One notable inquiry, already referred to, is the investigation of 1909-10 made into the methods of fiscal control of state institutions in New York state under the direction of Mr. Henry C. Wright, a man of international reputation as an expert upon the fiscal administration of state departments. It is a thorough-going piece of work, supplying the proof for each statement which it contains, and confining its conclusions strictly to the facts. The Massachusetts report seems childish in comparison. . . .

The Massachusetts report in so far as it attempts to set forth a rational understanding of conditions in Massachusetts is a failure. It was foredoomed in this respect both by the shortness of time and meagreness of effort put into it and by the inexpertness and inexperience of the investigators employed by the Economy and Efficiency Commission in this difficult subject of State Charities and Correction.

Without malice, and in a desire to further any reasonable analysis of our institutional problems, the State Board of Charity respectfully represents that the report and recommendation contained in House Bill 2137 are wholly untrustworthy; are wretchedly composed; and are altogether a discredit to this Commonwealth.

### 13. Proposals for Reorganization in New York

#### A. COMMISSIONER STRONG IN 1915<sup>1</sup>

For the sake of convenience, I shall re-state here in summary form the principal recommendations contained in this *Report*.

I recommend a reorganization of the State Board of Charities. Instead of an unpaid board of twelve, appointed by the governor from districts, with eight year terms, the board selecting its own president and without qualification specified in the law, the board should become a board of nine, of whom at least one should be a woman, and of whom three should be paid and six should not be paid, appointed by the governor from the state at large, to serve during good behavior and removable by the governor on notice for cause; special qualifications for

<sup>1</sup> Extract from *Report of Charles H. Strong, Commissioner to Examine into the Management and Affairs of the New York State Board of Charities, the Fiscal Supervisor, and Certain Related Boards and Commissioners, to Governor Whitman*, pp. 165-68.

membership to be described in the law, to the end that all the functional activities of the board should be discharged by persons with special training therefor; the three paid members to be the president of the board and the chairman of the two new bureaus within the board, namely, the Bureau for Mental Deficiency and the Bureau for Dependent Children, these three members to be designated as president and bureau chairmen, respectively, at time of appointment by the governor. The duties to be imposed upon these three members will require that they give all their time to the service. I recommend specification in the statute of specific qualifications for certain members of the State Board of Charities, with special reference to the several classes of state institutions supervised by the board, such as a penologist or one skilled in the reformation of the delinquent; an educationist; a physician with special knowledge of tubercular diseases; a physician who is a general practitioner, with special reference to hospitals and dispensaries; a lawyer; a physician with special training in psychiatry, to serve as chairman of the new Bureau for Mental Deficiency; a specialist in the care of children in private institutions and in foster homes, to serve as chairman of the new Bureau for Dependent Children; and one generally conversant with dependency, and the several forms of poor relief.

I recommend that the board should be required to meet regularly at least twice a month, as in Massachusetts. Under the present law, there is no requirement as to the number of meetings.

I recommend that new administrative and executive functions should be conferred, in order to convert an advisory board, weakened by loss of power, into an authoritative supervisory board. This should include the duties of the Fiscal Supervisor in fiscal affairs, surrendering to the Comptroller such of said duties as relate solely to audit. Provision should be made for such institutional records as will exhibit functional costs. Without surrender of central control by the board over expenditures, provision should be made for modification of the procedure of estimate and allotment so that the institutions may work more smoothly and with greater initiative. Other new functions should be the supervision of purchase under joint contract and the review of building plans for the state institutions. These and other duties of an administrative or executive character should be imposed upon the president of the board in the belief that efficiency in matters administrative calls for a one man service. Upon him also would fall the responsibility for executing the plans of the board with respect to institutional development; for promoting new institutions after legislative

authorization by the acquisition of sites and buildings within the appropriations that are provided; for developing institutional industries on the farm and in the shop, to the end that the institutional service may be the more economically administered; and to obtain adequate appropriations for extending and improving the inspection service over public and private institutions, as contemplated in the constitution and the laws.

Pending the adoption of such new constitutional provision as will permit the establishment of an independent state department for the supervision of the mentally defective, known generally as the feeble-minded, I *recommend* the establishment of a new bureau in the State Board of Charities, to be known as the Bureau for Mental Deficiency, the chairman of which is to be one of the paid members of the board, and who must be a physician with special training in psychiatry, and associated with whom is to be a new unpaid advisory council, named by the chairman and approved by the State Board.

In the State Hospital Commission, the state has made independent provision for the supervision of the insane, who furnish no graver problem than do the mentally defective.

I recommend the restoration to the State Board of Charities of the power to review building plans for almshouses in New York City, this power having been taken away by the legislature in 1913 and placed in the Board of Estimate and Apportionment. I perceive no adequate reason for the exception of New York City from the procedure obtaining over the remainder of the state.

I recommend an express grant of power to the State Board of Charities to adopt rules and regulations for the reception and retention of inmates in state charitable institutions, subject to the laws of the state. This power the board now possesses with respect to private institutions.

I recommend continued executive approval of the Report of the Senate Committee on Civil Service and writing into the law standards of compensation for institutional service.

I recommend prompt provision for a new institution for defective delinquents.

I recommend for adult female delinquents care in public institutions exclusively.

I recommend periodic conferences under statutory regulation among the heads of the three great institutional groups, charities, hospitals for the insane and prisons, for the purpose of securing uniformity

in salary schedules, as far as may be practicable, and for the purpose of considering what, if anything, could advantageously be bought by joint purchase for all institutions.

I recommend careful revision of the State Charities Law and the Poor Law, and have indicated herein certain definite results that would be accomplished thereby; but this revision should await the determination by the executive and the legislature as to what, if any, new form of state administration shall be adopted.

I recommend such extension as there may be under the existing constitution of the visitational power of the State Board of Charities over private charitable institutions.

I recommend the establishment of a new bureau in the State Board of Charities, to be known as the Bureau for Dependent Children, the chairman of which is to be one of the paid members of the board and who must possess special training in the care of children in private institutions and in foster homes. This bureau will, subject to the approval of the board, develop new and reasonable standards of child care in the institutions; promote the placing-out of certain classes of children in the family home; make uniform the institution methods of placing-out; adopt measures to lessen the mortality rate in foundling asylums, such as to reduce the number of surrenders of infants to the asylums by mothers who could be aided to care for the children in their own homes; create and advance new measures of outdoor relief, in order to preserve for children their natural home; persistently stimulate, by publicity and otherwise, an increase in financial support for the institutions, both from the public treasury and the private benefactor, to enable the institutions to conform to reasonable standards of child care; and the chairman of this bureau will aid the president of the board in obtaining appropriations needed to meet the imperative demand for enlargement of the inspectorial staff of the board.

I recommend that the State Board of Charities be compelled by statute to issue, when warranted, its own affirmative certificates of compliance by private institutions with its rules and regulations, said certificates to be a prerequisite to payments to the institutions by the local disbursing officers.

I recommend repeal of the charter provision requiring, as a condition of payment to the private institutions, a certificate by the Department of Public Charities in the City of New York that the institutions have complied with the rules and regulations of the State Board of Charities; to the end that inspection by this department shall

be permissible and not impliedly compulsory as it now is, and that compulsory inspection shall continue to be imposed upon the State Board and upon that board alone.

I recommend the abolition of the office of the Fiscal Supervisor of State Charities, established under an article in the State Charities Law entitled "Regulation of State Charitable Institutions."

I recommend the abolition of the Salary Classification Commission.

I recommend the abolition of the Building Improvement Commission.

I recommend the abolition of the Commission on Sites, Grounds and Buildings.

I recommend the abolition of the Board of Examiners of Feeble Minded, Criminals and Other Defectives.

#### B. PROPOSED REORGANIZATION IN 1919<sup>1</sup>

1. There will be a Department of Mental Hygiene which will be under the direction and control of a Commission on Mental Hygiene composed of a physician required to have ten years' experience in the care and treatment of the insane in an institution for the insane, a reputable attorney of ten years' standing and a reputable citizen, all appointed by the Governor with the advice and consent of the Senate to hold office during good behavior in the case of the physician and for six years in the case of the other two members. The Commission will be responsible for the formulation and administration of policies for the care of the insane, feeble-minded and epileptic, will direct and be responsible for the administration of all institutions for the insane, feeble-minded and epileptic and will visit and inspect all homes, institutions or other places within the State where the insane, feeble-minded and epileptic are detained. The physician will act as Chairman of the Commission.

2. There will be a Department of Charities to be under the direction and control of a Board of Charities composed of twelve members, one from each judicial district and three additional members from New York City, appointed two each year for terms of six years, by the Governor with the advice and consent of the Senate. This Board will visit and inspect all institutions whether state, county, municipal or private, incorporated or not incorporated, which are of a charitable character,

<sup>1</sup> Extract from *Report of New York State Reconstruction Commission to Governor Alfred E. Smith on Retrenchment and Reorganization in the State Government, October, 10, 1919*, pp. 198-200.



irrespective of whether or not they receive public aid, excepting correctional institutions and institutions for the insane, feeble-minded and epileptics. The Board will not inspect State institutions.

3. There will be a Department of Correction which will be responsible for developing and administering the State's policy with reference to the care of juvenile and adult delinquents, and which will be under the direction of a Commissioner appointed by the Governor with the advice of the Senate and serving at his pleasure.

4. There will be a Council of Correction, consisting of five members, of whom at least one shall be a woman, to be appointed for overlapping terms of five years by the Governor with the consent of the Senate which will advise and inspect state and local correctional institutions and supervise parole and probation.

5. There will be also in the Department of Correction, a paid Board on Parole and Probation appointed by the Council of Correction and serving at its pleasure, to be composed of three paid members, one of whom will be a woman. This Board will parole all state prisoners, investigate and report on local probation systems and hold preliminary hearings on pardons at the request of the Governor.

6. For each institution under the Departments of Mental Hygiene and Correction, including prisons, there will be a Board of Managers consisting of seven members (of whom not less than two will be women) appointed by the Governor with the consent of the Senate for overlapping terms of seven years. Superintendents of institutions, including prisons, will be appointed by the Commission on Mental Hygiene or the Commissioner of Correction as the case may be, subject to the approval of the local boards, as the result of civil service examinations.

7. There will be a Council of Public Welfare to be composed of the Chairman of the Commission on Mental Hygiene, the Commissioner of Correction, Secretary of the Board of Charities, Commissioner of Health and the Commissioner of Education. This Council will act as a clearing house of advice and investigation in the general field of public welfare. It will collect statistics, make studies of the maintenance and construction of institutions, proper assignment and transfer of inmates in the various groups of institutions; the best use of the farms, industries and other economic materials in connection with the administration of all state institutions; the employment, compensation, and welfare of institutional employees; deportation of inmates properly belonging to other states and countries; methods of purchas-

ing and distributing supplies, materials and equipment, and of the present administration of local institutions by counties.

8. The duties and responsibilities of the following commissions, boards and departments:

- State Hospital Commission
- Hospital Development Commission
- Board of Retirement
- State Board of Charities
- Fiscal Supervisor
- Salary Classification Commission
- Building Improvement Commission
- Board of Examiners of Feeble-Minded Criminals and Other Defectives
- Commission for the Care of Mental Defectives
- Superintendent of Prisons
- State Commission on Prisons
- Board of Parole
- Probation Commission
- Board of Classification

will be consolidated under the Departments of Mental Hygiene, Charities and Correction.

9. The Thomas Indian School will be transferred to the Department of Education.

10. The Institution for the Care and Treatment of Crippled and Deformed Children and the Institution for the Care and Treatment of Incipient Tuberculosis will be transferred to the Department of Health.

11. The Soldiers' and Sailors' Home at Bath and the Woman's Relief Corps Home at Oxford will be transferred to the Department of Military and Naval affairs.

12. These recommendations require both constitutional amendments and statutory revisions.

C<sup>2</sup>

#### THE WORK OF A STATE BOARD

A State department has, however, fixed limitations which define its activities much more accurately than is the case with a private organization, the flexibility of which is not possible in a State department, and this lack of flexibility should be taken into consideration when the work of the Board is the subject of discussion. There are

<sup>2</sup> Extract from *Fifty-third Annual Report of the New York State Board of Charities for the year 1919*, I, 8-9.

many things which this Board desires to do but which by reason of statutory and financial limitations it cannot attempt. There are also many things which the public desires the Board should do, but which for the same reasons must be left undone. The State Board of Charities, in common with other departments, is limited in the number of employees by the decisions of the finance committees of the Legislature and this limitation extends also to the compensation to be paid. It cannot as in the case of a private charitable society expand its forces at will to meet new situations, nor can it hold out inducements to able and capable members of the staff that their good work will be suitably rewarded by increased financial compensation. All these matters are determined by an outside group which is usually but slightly acquainted with the problem, the possibilities, the necessities, and the ambitions of a particular department and which, in determining the financial limitations, must constantly have in mind scores of other departments and the necessity of keeping the State's budget within limits that will not arouse the resentment of the taxpayer. This is quite a different situation from that of the private society with its interested board of managers constantly planning for new work, increased funds, and more efficient equipment and personnel. There is, therefore, a legitimate place for the privately organized charitable society which may, through its broader freedom and its more flexible organization, inaugurate and carry on very important movements for social betterments until such time as the public machinery may be developed to meet its full task.

## SECTION IV

### INTRODUCTORY NOTE

In the presidential address at the National Conference of Social Work in 1924 in Toronto<sup>1</sup> considerable space was devoted to the subject of civil service, and obviously in no division of the public service is the domination of partisan spoils methods more to be deplored than in the field of public welfare. From the beginning of the movement to develop public charitable agencies, freedom from partisan interference has been recognized as an essential of sound, efficient care and of skilful professional treatment. The structure given the agencies, the amount of direct authority, the requirement that there should be special supervisory authorities established, were all the outgrowth of fear of the spoilsman. Attention has already been given to the question of supervision as over against control, of the use of the continuous board form of organization. It remains to consider briefly the development of the civil-service machinery having for its purpose the application of the merit system to the selection of officials and employees in the welfare fields. The selection of documents in this section, as in other sections, can be only illustrative of the points significant from the point of view of public welfare.

Reference had been made to the general confusion resulting from a change in administration in Illinois in 1893;<sup>2</sup> the Massachusetts episode set forth in the first document of this section pictures a situation of somewhat the same character. The second illustrates the general recognition of the situation and the attempt to deal collectively with the question. With the passage of the Federal Act<sup>3</sup> came hope for the de-

<sup>1</sup> Document 14.

<sup>2</sup> See above, Part II, Sec. II, Introductory Note, pp. 292-95.

<sup>3</sup> The federal or Pendleton Act was passed January 16, 1883 (22 U.S. Statutes at Large, 403, Forty-seventh Congress [2d sess.], chap. 27); the New York Act followed May 4, 1883; Massachusetts, June 3, 1884; Wisconsin and Illinois in 1905; Colorado in 1907; New Jersey, 1908; in 1911 the Illinois Act was extended; in 1912 the Colorado Act was extended; in 1913 Connecticut, California, and Ohio enacted civil-service laws; in 1915 Kansas enacted a law, and the principle was recognized in Louisiana. See John M. Mathews, *American State Government* (New York, 1924), p. 272; and *Report of the Efficiency and Economy Committee, Illinois (1915)*, p. 911.

velopment of special agencies through which the merit system might be applied to the selection of officials and employees in this field, and the enactment in Illinois of a law applying at first only to the charitable institutions. Of course the enactment of civil-service laws and the setting up of administrative machinery are no more effective against widespread political corruption and indifference than the selection of special forms of organization. In Illinois, for example, when in 1922 the governor vetoed the appropriation for the State Immigrants Commission, a public agency authorized by an act of 1919, and organized in full faith in accordance with the best civil-service methods, he was probably influenced by the fact that changes in personnel could be brought about only by bringing charges which could not be substantiated and would not be believed. And in his message on January 9, 1923, to the Colorado Legislature, Governor Sweet said, "The Civil Service Commission law as now administered is a farce. It is being used to construct a bi-partisan political machine for the special benefit and use of whichever party happens to be in power." He, therefore, recommended the repeal of the law, and, failing to secure that, he attempted to reorganize the Commission, meeting with failure in that attempt as well.<sup>1</sup>

However, in those jurisdictions in which a reasonably genuine attempt at applying the merit system is being made, there are difficulties and questions of special interest from the point of view of the welfare organization. One of these is the degree to which the principles of business are applicable in the decisions, arrangements, and relationships of the Civil Service,<sup>2</sup> and one is the question of widening the range from which recruiting may be carried on. There are two other interesting points to which it would have been desirable to devote space. The first is the extent to which the recruiting field should be extended by the provision in the welfare institutions of opportunities for education and training. The establishment of training schools for nurses in connection with the institutions for the insane finds its justification in the very great dearth of persons professionally equipped to care skilfully for the patients. The second is the question of the success with which the ordinary competitive tests of fitness can be applied in this field. If, as the Illinois Commission<sup>3</sup> says, the purpose of the administration is not so much to keep the rascals out as to secure really high-grade service, there must be a wide appeal to representatives of the different profes-

<sup>1</sup> The Denver daily papers of January 5-10, 1925.

<sup>2</sup> Document 9.

<sup>3</sup> Document 8.

sions for help and for actual service in the way of setting questions, determining values in experience, holding interviews with applicants, and in other ways supplementing the knowledge and experience of the Commission. The interview is, for example, of very great importance in selecting persons whose work involves delicate relationship with the patients, children, or other groups under care.<sup>1</sup>

Another question is the extent to which the non-assembled examinations can be made use of, the extent to which either the statutory or the political situation makes it possible to "waive residence," and the methods by which experience for different periods of time with different social or welfare agencies can be compared and used as the basis for objective selection.

There are public officials who are devoting time and thought and exercising great ingenuity to discover and try out devices by which the work of the civil-service authorities may be made more exact and responsive to the needs of the service. Interested students will find useful and suggestive material in the specifications set up by the civil-service commissions in connection with examinations for the United States Children's Bureau, the Women's Bureau, the Public Health Service, and other authorities of that general character.

<sup>1</sup> See, for example, Sir Stanley Leathes, K.C.B., "Qualification, Recruitment, and Training of Public Servants," *Journal of Public Administration*, I (1923), 355. See also below, Part III, Sec. III, Document 6.

## SPECIAL PROBLEMS: PARTISAN INTERFERENCE WITH THE CIVIL SERVICE

### 1. Governor Butler's Controversy with the Massachusetts Board<sup>1</sup>

A controversy arose between Governor Butler and the Board, mainly concerning its jurisdiction and proceedings, and the authority of the Executive in certain matters claimed by the Board to be solely within their province under the law. This controversy was carried on in written correspondence between the Governor and the Board, and covered a period of several months. It can be only very briefly referred to here, as it was printed at length in the newspapers when the communications appeared.

The first letter of importance in the correspondence was from Governor Butler.<sup>2</sup> It was dated April 23, 1883, and directed the Board to assume control of the State Almshouse. The Board sought an opinion from the Attorney-General on the question of their own discretion in the matter, April 25, 1883. His assistant, under date of April 26, replied, in the absence of the Attorney-General, that the latter was not required by law to give an official opinion to the Board, and he declined to give any. The Assistant Attorney-General wrote also to the same effect to Governor Butler, in reply to a communication dated April 25, written by the Governor, objecting to the Attorney-General advising the Board in the case. On the thirtieth of April the Board replied to the Governor's letter of the twenty-fifth of the same month, affirming their right, founded on long usage of the Boards of Charities and Health, and of the existing Board, to obtain the Attorney-General's opinion. On the same date (April 30) Governor Butler replied to the Board's communication of that day, denying the right of the Board to seek the opinion of the Attorney-General, stating he would recommend an appropriation for the Almshouse, and claiming that the offi-

<sup>1</sup> Extract from *Fifth Annual Report of the State Board of Health, Lunacy, and Charity of Massachusetts, January, 1884* ("Massachusetts Public Document No. 17," 1883), pp. cxcvii-ccviii.

<sup>2</sup> [In connection with this controversy, attention may be called to Governor Butler's appointment of Clara Barton to the position of superintendent of the Woman's Reformatory Prison. See William E. Barton, *The Life of Clara Barton, the Founder of the Red Cross*, II, 205].

cers at the head of each department of the Board were illegally in office, as he had not consented to their appointment, and the consent of previous governors or a former governor was insufficient in law. May 1, 1883, the Governor wrote to the Attorney-General inquiring whether or not it appeared from the records of the Attorney-General's office that the Board and its predecessors had frequently sought opinions of the law officer of the government in the past, and that their requests had been promptly and courteously complied with. May 2, 1883, in the absence of the Attorney-General, his assistant, Mr. Shepard, replied to the Governor, saying it was not the practice of the office to furnish such opinions, but on the contrary that the records showed several instances where Mr. Train, a former Attorney-General, answered the Board, in reply to applications for his opinion, that it was not his duty to give opinions to the Board. May 3, the Governor wrote the Board, adverted to the communication of the Assistant Attorney-General, and then said: "The fact is, your Board never has received an opinion of the Attorney General or his assistant on questions of law relating to the duties of the Board, . . . and the fact now appears on your records that you have been, by every Attorney-General for ten years to whom you have applied, refused such opinions." Further, Governor Butler said in the same letter, "I shall be bound to expose the ignorance and untruthfulness shown in such communications [the Board's letter of April 30], while I grieve to perform that duty." On May 5, the Governor wrote the Board saying he would decline to receive any communication from them which was signed by Mr. F. B. Sanborn, their secretary, on the ground of alleged personal offence given him by Mr. Sanborn in certain correspondence, and on the further grounds that Mr. Sanborn's appointment had not received his consent, and he had not taken any oath of office for the faithful discharge of his duties. May 5, the Board (in reply to the Governor's letter of May 3, charging the Board with misrepresentation, ignorance, untruthfulness and hypocrisy, in stating, in their letter to him of April 30, that it was the custom of that body and its predecessors to receive opinions from the Attorney-General), directed the attention of Governor Butler to the error in the reply (May 2) of Assistant Attorney-General Shepard in saying he had examined the records and letter-books in his office for ten years preceding, and found therein only five instances where the Attorney-General had advised the Board (or the separate boards previously); but, on the contrary, found that letters had been sent by Mr. Train denying the right of the former boards to official



opinions from him. In their letter of May 5 to the Governor, the Board said:

It is evident the records and letters of the attorney-general's office are not a safe source of information to rely upon, since it appears from the files of the Board a large number of opinions were given the former organizations and the existing one by attorneys-general Allen, Train and Marston.

Thereupon (May 7) Gov. Butler wrote the Attorney General:

I did implicitly rely upon the statement of your office, and I believe indeed that the statement will be found substantially correct. . . . I desire a very careful examination of all these supposed opinions.

May 8, the Attorney-General replied:

I cannot give the information you now ask without searching records and memories outside.

May 11, Governor Butler wrote the Attorney-General (concerning the controversy regarding opinions from the office of the latter) that "the whole confusion has arisen because of officers asking attorneys-general not for opinions, but advice."

June 1, the Board, in another communication (in reply to a letter from Governor Butler of May 5, taking the ground that Mr. F. B. Sanborn was not an officer of the Board because he, the Governor, had not consented to his continuance in office, and because Mr. Sanborn had not taken an oath of office), said that the consent of a preceding governor was given, and held to be sufficient, and that there was no legal requirement for an oath of office in such a case as that of Mr. Sanborn's. The Board also cited an opinion given them (May 5) by Governor Gaston on the first point, and another opinion, from the same gentleman, dated May 14, on the question concerning the oath; and the Board further declined to remove any of the four department officers, for the reason that the consent of Governor Butler was unnecessary to their continuance in office, and that the constitution and laws did not require them to take any oath of office. June 2, the Board wrote Governor Butler urging his attention to the fact that his action in declining to approve of certain payments had deprived the employees under the Board (some of whom were women, others men with wives and children to support), as well as the four department officers of the Board, of their properly earned salaries. June 9, Governor Butler, in reply to this last communication of the Board, wrote a long communication, making extended objections to the Board's attitude concerning the

retention of the officers, the disbursement of moneys by them, the by-laws and other matters.

June 12, the Board sent a communication to Governor Butler, informing him that persons near him in public matters, and others enjoying his confidence, had given currency to statements that there was evidence in his possession which would establish charges of corrupt practices against certain persons holding responsible positions under the Board, and prove them unworthy of retaining their positions. The Board said that, in justice to themselves and to the persons mentioned, as well as to the public service, they considered it their duty to request Governor Butler, if he had any evidence of such character, to afford the Board an opportunity to investigate the charges; or, if he had not any such evidence in his possession, that, as a matter of propriety, they trusted His Excellency would say he had not, and thus silence the calumny.

On July 7 the Board wrote Governor Butler, in reply to his letter of June 9, stating they were compelled to seek the advice of other counsel when his action had deprived them of the advice of the Attorney-General; and that the advice of counsel had justified their interpretation of the law and their duties, and would satisfy the people of the Commonwealth that the Board made no factious or partisan opposition to the view of His Excellency. The language of the letter of Governor Butler of June 9 (characterizing the inquiry of the Board for the reasons why the pay warrants were not approved "as simply impertinent, as the reason for it is none of your business,") is referred to, and the Board say they must always consider it a most serious matter of business to attend to the payment of salaries to those serving under that body, and are well assured that not until the Governor's attention to the failure of the employees of the Board to receive salaries, owing to his declining to approve the warrants, had reached him through the Board's letter, did he cause the necessary warrants to issue. The Board then refers to its statutory (not by-law) authority to appoint such officers as it may deem necessary, and to fix their compensation; and says these officers are not elected by the people, nor appointed by the Governor; they bear no written commission or warrant from the State, nor does any statute prescribe their functions or duties, no more than those of many appointees in the minor and clerical work of the State, whose employment and continuance in office depend upon the will and discretion of the officers authorized to give the employment, and not upon taking or subscribing any oath whatever. Further, the Board (in

reply to the Governor's assertion that they are not disbursing officers of the State) say: "A closer examination of the statutes will satisfy your Excellency that the Board are disbursing officers, to the extent of many thousands annually, by a long course of State legislation." In reply to the assertion of the Governor that the Board is a supervising body only, they say: "A careful examination of the statutes will convince you they are much more,"—and, after a recital of the duties, add: "Your Excellency, when these duties are recited to you, will perceive that you have yet failed to comprehend the powers and functions of the Board." Referring to the Governor's questioning their power to delegate authority, they say: "You will find the statutes give them the most ample authority to delegate their powers, and do not require many of them to be personally exercised."

September 21, the Board wrote to the Governor concerning his demand on the Superintendent of Out-Door Poor, for such records of that department as the Superintendent had not already placed in his hands; and requested the prompt return of the records, that had been in the Governor's possession without the knowledge of the Board (which was the only legal custodian of the records). They reminded the Governor of their letter of June 12, still unanswered, calling for charges against any officer, if he had proper evidence to sustain them, and recited: (1) That the ten volumes of records held by him, must, by law, remain in the Board's custody, and if in the possession of any other person than an officer of the Board, they were wrongfully in such possession. (2) That Governor Butler's demand for other records was without authority of law, and could not be complied with by the Board, —a body created and existing only by law. (3) That the retention of the Board's records by the Executive or any person acting for him, is in violation of law. (4) That any investigation should be preceded by specific charges, and no officer be compelled to defend himself against attacks made in the dark; the Board, at the same time, expressing a readiness to examine the conduct of any officer, when specific charges were made.

On September 29, Governor Butler acknowledged the receipt of this communication, and wrote that the Superintendent of Out-Door Poor (whom he recognized as only a *de facto* agent of the Board) had promised him the remainder of the books; that he, as the "supreme executive magistrate," was entitled to examine the books, to obtain evidence on which he could properly frame the charges he desired to prefer; finally, that the communication of September 21 was the indi-

vidual act of the chairman, and he appealed from that act to the Board itself. The same day, he also wrote the Board that the chairman had assumed to withhold certain records, and asked for a yea and nay vote whether or not he had the right to the books; so that if it became necessary to apply for a writ of mandamus or other proper process, he might know upon whom to serve it. October 6, the Board replied that the Governor's demand had been considered, and, in the judgment of the Board, no court would order the records of the Board from their legal possession into the illegal possession of the Executive; they protested that the Governor had used gross and insulting language in his last letter; and said such language was unworthy of any one claiming the name of gentleman, much less of one who, by virtue of the high office he held, should be the exemplar, to young and old alike, of the utmost courtesy and deference to every citizen.

October 26, the Governor sent a communication to the Board (inclosing a copy of one from the Attorney-General, dated October 3, in relation to the appointment of a woman as a member of the Board), which called the Board's attention to the inclosed letter, and indicated that a member of the Board, Mrs. Clara T. Leonard, was not, in law, entitled to membership.

November 3, the Board replied that Mrs. Leonard had been duly appointed by the Governor's predecessor; that in 1879 the Legislature intended (*Acts of 1879* chap. 291), to authorize the appointment of women on the State boards then created; and that the Board could not follow the Governor's wishes by ungraciously declining to recognize Mrs. Leonard as a member; but if they considered that Mrs. Leonard held her office illegally, the Governor and Council could resort to the Supreme Court for its answer to a question of such grave importance to the people, and to those interested in the management of the public institutions. This was the last letter in this long correspondence; for the Supreme Judicial Court, when asked for an opinion on the question of Mrs. Leonard's membership, held that she was duly appointed and rightfully in office. This opinion was published in the newspapers, but was not communicated by the Governor to the Board.

Concerning the withholding of salaries by the late Governor, in the four departments of the Board, and his conflicting reasons for such unprecedented action, a few observations may be made. Whatever may have been the purpose of Governor Butler in requesting this Board to take charge of the State Almshouse in place of the Trustees thereof, it would appear that he then neither questioned the power of the Board

to appoint its own officers and agents, nor did he object to the performance of their regular duties by the officers of the Board who were then in service. This is shown by the following passage from Governor Butler's letter of April 23, 1883:

I do further respectfully advise the Board to appoint some officer thereof at once to take charge of said Almshouse, the appointment or designation of such officer to be submitted to the Governor for his approval. And as I deem this a matter of urgency I also take leave to suggest that I should consent to the designation of Frank B. Sanborn to that duty, and for the reason that, so far as I am informed, he is the only officer who, in a long series of years, has shown any special disposition to reform abuses therein.

While thus specifying one of the four chief officers of the Board for the performance of a highly responsible duty, the late Governor, in a subsequent letter, explained the immediate reason for his action. This letter was addressed to the Inspector of Charities, above named, and in course of it Governor Butler wrote to that officer:

It is the ordinary course of governmental action to put an inspector in charge of an office when an officer has failed in his duty,—as for example where a special agent of the post-office department has detected a post-master in a defalcation, he is generally ordered to take charge of his office until a new postmaster is appointed. That is the precise position I propose to put you in.

This shows that he then regarded Mr. Sanborn as properly the Inspector of Charities; and in the same letter he thus mentioned two of the other three chief officers of the Board:

Dr. Henry B. Wheelwright, who has all he can do looking after Out-Door Poor, especially since England has been pouring out her paupers onto our shores; S. C. Wrightington, who has like duties to perform in regard to In-Door Poor.

The first indication of a change of mind in respect to these officers of the Board, and its power to appoint them, appeared in the late Governor's letter of April 30, after he had so fully recognized them as officers, and had for four months drawn warrants for the payment of their salaries. This letter was written soon after the Inspector of Charities had courteously declined the appointment which the late Governor had assumed to tender him, and contained this passage:

I desire to call your attention to section 3 of chapter 79 of the *Public Statutes*, wherein the State Board of Health, Lunacy, and Charity are permitted to appoint officers with the consent of the Governor only. I have as

yet given my consent to none of the officers now acting for the Board, and, until my consent is received, I do not think I am called upon to allow the bills for their payment. . . . My construction of the statute is that the Governor for the time being must consent to the officers of the Board, on whom are imposed certain executive duties; and that the consent of some former governor in the early history of the government, or since, is not sufficient.

This new construction of the statutes by Governor Butler was the occasion of a legal opinion from Mr. Gaston, one of his predecessors in office, which was given by that eminent counsel on the fifth of May. This opinion came to the notice of the late Governor on the same day that he had, in a written communication, refused to consent to the further payment of the Inspector of Charities; and this refusal to recognize him, because he had not taken the oath, was soon followed by a like refusal to recognize the other three heads of departments. These three officers, on the tenth and eleventh of May, followed the example of the Inspector of Charities in taking and subscribing the usual oaths of office, in the presence of the Secretary of the Commonwealth, on whose records their subscriptions were entered. Whereupon the late Governor, in a communication dated June 9, renewed his objection to the well-established power of the Board to appoint its own officers.

In consequence of the refusal of the Governor to draw further warrants for the use of the departments of the Board, the salaries of all officers and employees, and the other expenses in these departments for the month of May remained unpaid on the second of June, which led to a remonstrance from this Board at that date. Upon the receipt of this communication the late Governor made haste to free himself from the odium of withholding from so many deserving persons the compensation to which they were legally entitled, and caused the usual warrants for payment to be so altered that the four department officers, and they alone, had their compensation withheld. This undeserved delay in the payment of these officers continued for eight months, or so long as the late Governor remained in office; but the four officers continued to perform their functions, and were tacitly or openly recognized by the Governor as entitled to do so. One of them (the Superintendent of In-Door Poor) was entrusted by him with an important service on the day the State Workhouse was burned (July 7), and the others went forward, each with his official work, embarrassed, but not thwarted, by the unprecedented course of the Governor.

It has been, and did continue to be, the custom of the Attorney-

General's office to communicate legal opinions respecting questions arising in the departments of Health, Lunacy, and Charity; and any variation from this custom which took place during the past year is not likely to become a precedent. It was always understood by the Board and its predecessors, that the Attorney-General was not bound in strict law to give opinions to this Board, for the reason that his office was created, and its duties defined, long before this Board came into existence; but it was equally well understood that his sense of official duty not only allowed, but required him to give advice to the Board when it was sought. Upon this understanding the custom continued. Since the correspondence of the late Governor, in which he warned the Board not to ask or receive opinions from the present Attorney-General (as if both that officer and this Board were under his orders), the law officer of the government ceased to advise the Board.

The Board assumed the control of the State Almshouse in good faith, under the "orders" of the Governor, and with the expectation that the money necessary to pay the Almshouse expenses would be immediately furnished, and that the late Governor would throw no obstacles in the way of an efficient, economical management of the State Almshouse. But, on the contrary, we were met at every step by the unreasonable opposition of the Governor, in the appropriation of money, by attempted interference in the selection of officers, and the deferred payment of bills. In consequence of this, the Almshouse expenses increased, and discipline suffered for lack of a responsible official head to an institution, the largest in the State, and never so much crowded with inmates as during the past year. This opposition continued until nearly the end of the year, when it ceased as suddenly as it had begun. But its effects are still perceptible in the uncertainty attending the tenure of office at the State Almshouse, which depends on the administration of a regularly appointed Superintendent.

The right of this Board to control its own records was practically infringed by the late Governor when he obtained irregularly the custody of certain books belonging to the Out-Door Poor Department, and not only refused to return these, when requested by the Chairman of this Board, but demanded, in most offensive language, that other records should be placed in his hands. The Board signified its readiness to submit its records in its own offices to the inspection of the Governor, or any responsible person, for any length of time he might desire; being perfectly conscious that they contained nothing which could even be tortured into evidence in support of the vague and unfounded charges which the late Governor so often made. But we could not co-

sent to interrupt the important business of the Board by sending away its records, as the business of the State Almshouse was interrupted, for months, by the absence of its volumes of daily record detained by the Governor. There was no law, nor custom, nor vestige of law, by which the Governor could support his claim, nor any useful purpose which his possession of the books could serve. Those he improperly obtained were held by him until a few days before his year of office expired, and were then returned without explanation of acknowledgment, and without the discovery of those extraordinary revelations which the Governor professed to be deriving from them. His threat of taking possession of the records, or obtaining them by a mandamus, was, of course, never even attempted to be fulfilled. This threat appeared in a communication dated September 29, 1883; and the same communication contained throughout suggestions of criminal misconduct, and expressions such as that there was "something wrong which must be covered up," and insinuations of a like character. In the latter part of the official year these insinuations began to cease coming from the Governor, or those under him, and the entire body of accusation, investigation and threatening, which his official papers disclose during a period of ten months, has resulted in nothing whatever beyond the sound of his words, and the annoyance which their frequent repetition occasioned to faithful officers, diligently engaged in the daily service of the State. The salaries of these officers withheld for more than eight months, by the arbitrary act of the late Governor, have now been paid. The whole investigation or inquiry instituted by the late Governor (carried on, as he alleged, by detectives and hired experts) in secrecy, and for the purpose of assailing character, has so completely come to naught that no distinct charges have ever been preferred in writing, or even verbally. The power of this Board—a power necessary to the good management of any board—to appoint its officers and agents in the manner authorized by the *Law of 1879* (chap. 291) and as it has always been exercised since that time, remains in its hands; and it is presumed that no one will hereafter question it, so long as the law remains unrepealed.

## 2. Politics in Charitable and Penal Institutions<sup>1</sup>

There is no way to avoid the direct investigation of the conduct of officials working under the law; and it was to this immense and delicate and difficult task that your committee addressed itself. We were under

<sup>1</sup> Extract from "Report of Committee on Politics and Public Institutions," *Proceedings of the National Conference of Charities and Correction at the Twenty-fifth Annual Session* (New York City, 1898), pp. 240-46.



no illusions about the difficulty of the inquiry. We were aware in the beginning that we must encounter many obstacles. We did not seek any sensational disclosures nor desire to reach extreme conclusions, but only to see things as they are. It is true that previous study had demonstrated to most members of this Conference the need of modifications and amendments, but this did not excite prejudice against the host of honest and capable officers, who are doing the best possible under a benighted and obsolete system, already discarded in cultured nations as fit only for feudalism and for corrupt and arbitrary monarchy.

The schedule of questions asked the correspondents for information relating to:

I. Institutions of public charity:

1. State institutions: (*a*) hospitals for the insane, (*b*) schools for the blind, (*c*) schools for the deaf-mutes, (*d*) schools for the feeble-minded, (*e*) schools for dependent children.
2. County, township (or town), and municipal charities: (*a*) outdoor relief officers, (*b*) county or town poorhouses, (*c*) hospitals or infirmaries, (*d*) homes and placing-out of dependent children.

II. Institutions for correction and restraint:

1. State: (*a*) penitentiaries and convict prisons, (*b*) reformatories for younger offenders, (*c*) reform schools for boys and girls.
2. County and municipal: (*a*) jails, (*b*) city bridewells, houses of correction, (*c*) lock-up stations.

The kinds of information asked for were:

- I. State laws under which appointment, removals, and promotions are made.
- II. Rules of administration adopted by boards of directors, trustees, etc. of State institutions.
- III. Customs governing appointments, removals, and promotions in specified institutions, and the reasons for these customs, as influence of party service and favor, personal merit, fitness for the place, examinations, and tests in competition.
- IV. Local sentiment on the subject, as definitely expressed by influential party leaders, societies, clubs, conventions, etc.

A startling yet very natural revelation of the tendency of the "spoils system" came out in our correspondence, and showed that system to be what it is,—a system of terrorism, under which the best and bravest men quail. In almost every instance we have been in honor

obliged to omit the names of our informants, and even the States from which our knowledge comes. Most of our inquiries have remained unanswered, partly from indifference, partly from fear of the party lash. If our investigation has accomplished nothing more, it has been the means of stimulating thought about the "spoils system" in all parts of our country. This system cannot bear the light, it does not improve upon close acquaintance, and it courts quiet and solitude. A well-known member of this Conference writes:

I have thought much of the substance of your request and of the good that could be accomplished by a full record of what might be told, and there is much that should not appear in print and knowledge of which should not be extended. And the result of my thought is that I know very little that should be published, and that little should not be read.

Other trustworthy and amiable correspondents have courteously answered our inquiries on the principle that "it is better to write nothing than not to write."

*Conclusions in Relation to State Institutions for the Insane.*—While all generalizations are somewhat uncertain and subject to discount and exception, the evidence of our correspondence seems to show that the "merit system" is making progress in State institutions for the insane. Even where the law is still based on the ancient notion of rotation in office, the folly of acting on this notion is here apparent to the least instructed mind. Popular intelligence has made it impossible to promote prize fighters as attendants upon the insane. Usually, public opinion requires at least a diploma from some sort of a medical college as a condition of appointment as superintendent of a hospital. The medical profession has considerable influence on the appointments, and every year becomes more critical and observant. Further reforms may be expected from this source. The numerous friends of the insane are jealously watchful of the treatment of their unfortunate relatives. The very fact that members of influential families are frequently under the same management as that which cares for the dependent insane is some security for more humane treatment of the poor.

But our investigation reveals even here the deplorable and humiliating discovery that governors and directors occasionally sacrifice the interests of science and humanity to their own political advantage; and that campaign pledges are sometimes kept at the cost of the most sacred claims of the helpless and suffering. Enlightened public opinion is in such cases actually set at defiance by a powerful political ring.

In relation to State institutions for the blind and for deaf-mutes a

similar condition prevails. Public opinion is directed upon these schools. The children frequently come from families of social influence. There is an obvious need of professional preparation for the teaching task. The absurdity of rotation in office is palpable. The teaching profession becomes daily more critical and jealous of the admission to such service of raw and undisciplined recruits from other callings.

Yet your committee could give instances of flagrant and wicked abuse of the power of appointment and discharge. We could cite examples of governors avenging themselves in the hour of partisan victory, by the wholesale discharge of competent superintendents, simply on partisan grounds. A system which permits such outrages, which leaves room for such scandals, must be fundamentally unsound and ripe for reform.

*Judgments Relating to State Punitive and Correctional Institutions.*—In the case of prisons and penitentiaries the mitigating factors are not so great. Society naturally does not have the same feelings of compassion for thieves and burglars as for the unfortunate insane, blind, and deaf-mutes.

Only too generally,—almost as a matter of course,—when a dominant party falls into a minority, the warden of a penitentiary prepares to pull down his party flag, box his household goods, and surrender the keys to his successor, the appointee of the victors, to whom belong, as of right, the spoils.

Happily, we have much evidence that a more intelligent public opinion is gathering head against this monstrous doctrine. It becomes more clear to the public, as it has long been clear to scientific men, that the training and reformation of criminals is one of the most difficult branches of pedagogic art, that the administration of prisons and reformatories calls for the highest order of business ability, that the complications of interests, of trade-unions and manufacturers, involve problems which only tactful men, carefully selected and thoroughly trained, can even approximately solve.

The literature essential for a prison director to know is considerable, and the scientific methods of study of criminal characteristics cannot be mastered quickly by men who have merely left another business for a few years to enjoy the salary for a service whose very elements they have never studied.

We greet with hope the evidence that the more advanced States have begun to embody in their laws the principle that men must be chosen to these positions for their fitness, and retained upon proof of

competency and devotion. If this Conference stands for anything, it is for this principle. . . .

The evidence before your committee points in the direction of radical changes in the relation of the commonwealth to town and county administration. The merit system is gaining ground far more rapidly in State institutions than in local institutions. How, under the present conditions, can the merit system displace the spoils system in county poor-houses and jails? It seems impossible.

The history of poor-relief and local prisons in England at this point is extremely instructive. There was a time in the mother country when local jails and almshouses were in as chaotic and disgraceful a condition as that of which we are now ashamed. To-day England is in a very hopeful situation. What is the cause of this transformation? It lies in the transfer of regulation from the local authorities to the Home Office of the kingdom. There is a central agency for supervision of local prisons and poor-relief, although parishes and unions retain all necessary local power.<sup>1</sup>

### 3. Civil Service Reform<sup>2</sup>

We need in New York, above all things, enthusiasm for the moral principles which make the "spoils" system an impossibility.

Civil service reform is not a device for getting fairly good public officers; it is a means of salvation for our people; and we need, throughout our State, faith in the moral qualities upon which it is based,—in justice, truth, honor, and duty. We need in public life the qualities which it creates and fosters, the qualities upon which depend the national welfare; we need intelligence, honesty, industry, and energy.

For four generations in this State the character of the people has been sapped at the root; and the inevitable consequence is to be seen in the low moral tone in public matters which is to be found among us, and which is the worst thing we have to contend against.

Mr. Eaton, in his report on "The Spoils System and Civil Service Reform in the Custom-House and Post-Office in New York," made to President Hayes in 1881, quotes from Parton's *Life of Jackson* the following condemnation of our State: "From the early days of its adhe-

<sup>1</sup> [In this connection, the student is referred to Sir Edmund Frederick Du Cane, *The Punishment and Prevention of Crime* (London, 1885), and to Sir Evelyn John Ruggles-Brise, *The English Prison System* (London, 1921).]

<sup>2</sup> Extract from paper by Mrs. C. R. Lowell, in *Proceedings of the National Conference of Charities and Correction at the Twenty-fifth Annual Session* (New York City, 1898), pp. 256-58.

sion to the Union, its politics have been involved, embittered, and, I may add, ignoble to an unexampled degree." And Mr. Eaton adds:

Unfortunately for the politics of New York, one of her first great politicians and officers was the most adroit and unscrupulous political manipulator the country has produced. Aaron Burr was our first partisan despot. . . . The "Burrian Code," as Mr. Parton calls it, . . . is declared by him to contain, among others, these fundamental principles:

1. Politics is a game, the prizes of which are offices and contracts. . . .
5. Fidelity to party is the sole virtue of the politician. . . .
19. The end and aim of the professional politician is to keep great men down and put little men up. Little men, owing all to the wire-puller, will be governed by him. Great men, having ideas and convictions, are perilous even as tools.

Seventy-six years ago Tammany Hall's influence began to be felt. Mr. Eaton says: "In 1822 it began active interest in politics. In 1827 it dominated the primary elections."

Our people have thus been subject to the degrading influences of political corruption for more than one hundred years; they have eaten into our very souls, and we must expect the recovery to be long in proportion. There are, however, some immediate practical steps that should be taken in New York to protect the various institutions of charity and correction; and I will briefly enumerate them:

1. The State institutions must be protected from the attacks of the spoilsmen, for which the "Black Law" has opened the way. To show the situation, I will read parts of a letter from one of the managers of a State Insane Hospital. It is dated May 3, 1898:

. . . . The inquiries you make have, I presume, reference to what I may be able to write about the spoils system as illustrated by the late attempt in our legislature to capture, by means of a very innocent-appearing bill, the managing boards of our State hospitals for the insane, that they may be made to subserve the uses of degraded partisanship. . . .

The party machines, both Democratic and Republican, in the counties of the State, are, I am assured, as corrupt and as fully charged with the purposes of rule or ruin as were ever the corresponding machines in New York City. The demagogues in the rural districts are very apt and ready scholars, and quickly fall in line with the plans and methods of the political bosses in your city. There is the same method of packing conventions with delegates chosen by a self-styled caucus of three or four men seated at a table in a drinking saloon. The same sort of control is exercised over the organization by the district or county chairman, who appoints the temporary chairman, who appoints the committee on credentials, who name the members of con-

vention, regardless of any regularity or irregularity in the choice made by their constituents. So that a county or district boss controls the organization of the party, and thus attains despotic power in the councils thereof.

In 1896, before the passage of the present insanity law, the Republican machine in each of two counties which I will not name had already fixed upon the managers for the insane hospital to be appointed by the Governor. Governors always depend upon the senators and assemblymen of a district to recommend to them persons for local appointments. The Republican machine in one of these Counties named three Republicans of the seven in the board of managers. The Republican machine in the other County named one, myself; and they, in doing so, made an enormous blunder. With four Republicans and three Democrats in the board, the Republican machines thought they had control, and laid down and openly announced their programme. The treasurer was to be forced to resign, and in his place was to be put a man who would by intimidation bulldoze about one hundred employees at the hospital into voting the Republican ticket. The superintendent of the hospital, by arts familiar to political heelers, was to be brow-beaten, nagged, and worried and insulted until his sense of self-respect should compel him to resign. With him would also go the steward, his appointee. The board would then put in as superintendent a country doctor already selected, who had no more qualifications for the position than any other cross-roads doctor. He would be merely a manikin. He would appoint a steward, also already selected, who would make purchases in those mysterious ways unknown to outsiders, but perfectly familiar to political thieves of every grade; and *commissions* small, but frequently recurring, would be the order of the day, "tips" would be privately conveyed to dealers in groceries, provisions, clothing, etc., and those too honest to take such hints would find very soon that their goods were not wanted at any price. Now all this I find to have been the subject of conversation among those quiet men, silent listeners, but quick to learn, who in every party are always keeping themselves well informed of the "true inwardness" of affairs.

Of course, such things could never be established by any evidence admissible in a court at law; but it is none the less tangible and well founded.

In this particular case the machine itself was rather garrulous: it could not, at least it did not, keep its secrets very well. All its well-laid plans have come to naught, however, because I have played the "traitor," and refused to do its bidding.

The three Democrats with myself intend to keep the hospital upon strictly non-partisan methods. . . .

I have thus given you in outline mostly the reply you desire touching upon the points of your letter.

The local sentiment regarding all this sort of proceeding is, with the better part of the community, wholly opposed to it at every stage; for these machine men obtain their most numerous supporters among the corrupt

classes, the vicious and saloon element, and all others of the degraded sort, with no conscience, and no sense of responsibility as citizens. . . . I need not say—for you will readily infer it as true—that the county bosses are always in close affiliation with and in cordial co-operation with the two head bosses in New York. . . .

To save the State institutions, we need, as appears, public virtue in high places, and the repeal of the "Black Law."<sup>1</sup>

#### 4. Work of the Illinois Civil Service Commission<sup>2</sup>

The Civil Service law became effective November 1, 1905. To December 1, 1908, the Civil Service Commission received 10,684 applications. Of those making application, 8,292 were notified to appear for examination, 1,727 applications were withdrawn or rejected for cause, the remainder being still on file in the office of the Civil Service Commission awaiting future notification of examinations. One thousand two hundred and nine examinations were held in forty-three different cities. In those tests, 4,965 applicants were examined and 3,304 passed. There have been 4,550 appointments under the law. Because of the change in the method of appointment, it was necessary at first to make a number of temporary appointments from applications, as is provided for under the law. Many of these resigned before they could be examined, particularly attendants, domestics and laborers.

Since November 1, 1905, there have been 918 discharges for cause, on written statements specifying the charges made.

The Forty-fifth General Assembly amended the law giving the Civil Service Commission the right to investigate removals and making it mandatory to order an investigation when the commission was satisfied an injustice had been done the employe.

During the year 1908, 279 discharges occurred and four employes were ordered reinstated after an investigation by the commission.

The Civil Service system, in our judgment, has demonstrated its superiority over the old system of appointment. We recommend its extension to all employes in the charitable, penal and correctional service including superintendents and wardens.

<sup>1</sup> See *Laws of the State of New York* (1898), I, chap. 186; and also *Public Papers of Frank S. Black, Governor, 1897-1898*, "New Civil Service Rules and Regulations," pp. 136-79.

<sup>2</sup> Extract from *Twentieth Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1908), p. 79.

### 5. Four Years of Civil Service in Illinois<sup>1</sup>

The present condition of the seventeen State charitable institutions of Illinois is the best evidence of what civil service will do. The institutions are well supplied with employes. They are of good quality, skillful, energetic and efficient. They are interested in their work, take pride in the institutions, and are desirous of advancing the standard of efficiency and effectiveness.

During the quadrennial period just closing the Illinois Civil Service Commission has accomplished much. It desires to do more and the coming year, under the new Charities Act, promises big improvements. Some of the most important reforms in the service that may be attributed to civil service are:

- The enforcement of discipline.

- The abolition of political assessments or appointments through political influences.

- The elimination of the hospital tramp.

- The establishment of an adequate standard for the medical staff.

- The employment of dentists and dental internes.

- The development of a trained nursing force.

- The establishment and encouragement of training schools for nurses.

- The reorganization of the engineering plants of many of the institutions and the employment of skilled engineers at their head.

- The employment of competent men in the business departments of the institutions.

- The reorganizations of the teaching forces and the appointment of competent teachers in the various institutions where teachers are employed.

- The improvement of the attendant force, due to improved methods of instruction and the enforcement of discipline.

- The elimination of favored employes.

- The establishment of a higher moral spirit and responsibility among employes, due to strict discipline.

- The reduction of temporary employes for short periods.

- Abolishment of sinecures and prevention of them.

It is difficult to say in which development or branch of the service there has been the greatest improvement. For the medical staffs the standard is high. Men between 25 and 40 years of age are required. The possibility of retaining their positions and of making progress has attracted a number of excellent young physicians to the service. Three

<sup>1</sup> Extract from *Twenty-first Fractional Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1900), pp. 233-36.



of them now are assistant superintendents and another soon will be promoted. One board of trustees and superintendent objected to the appointment of a young man as assistant superintendent on the ground that he lacked experience. The Civil Service Commission responded that the young man was qualified and entitled to the place. Today that young man ranks high in the estimation of the State authorities and is under consideration for a superintendency. Others are in line for promotion when changes occur and the spirit of progress is no better demonstrated than by the competition in the medical staff. The Psychopathic Institute at Kankakee is the assembling point and there members of the respective staffs tell each other of the advancement and improvement of the service in the institutions to which they are assigned. This acquaintance and good natured rivalry is beneficial to the service and is bound to have its influence upon the institutions in future. The medical staffs in the insane branch have increased from twenty-nine to forty-four assistant physicians, of whom five are women.

When the Civil Service Law went into effect November 1, 1905, there was one graduate nurse in the hospitals for the insane. There are now seven chief nurses and forty-three graduate nurses. Training schools for attendants and nurses are maintained in the Kankakee, Elgin, Anna, Peoria, Jacksonville and Watertown State Hospitals and the Lincoln State School and Colony. The majority of these schools already have been approved by the Illinois State Board of Examiners for Registered Nurses. The number of graduate nurses in all of the institutions is improving as graduates of general hospitals recognize that the charitable institutions offer them an excellent field for the pursuit of their profession. Their presence in the State hospitals has a good effect upon the other employes, particularly the attendants, who seek to emulate them. Graduate nurses have been employed in the Geneva Training School for Girls, the Soldiers' Orphans' Home, the Wilmington Soldiers' Widows' Home and the Illinois School for the Deaf.

In the attendant force there has been an increase in male attendants from 394 to 425 and of women from 425 to 630, the latter being an indication of the high regard of women as attendants and a recognition by the superintendents that women are better fitted temperamentally for the work than men. The increased demand for women has made it harder for the commission, but it has encouraged the employment of women and sought energetically to supply all requisitions. The heavy increase in the number of attendants is not all to be ascribed to

better attendance, although 10 per cent of it is. In 1905 there were 9,445 patients in the insane group, against 11,381 now.

Experienced and competent chief engineers have been placed at the head of five of the large institutions, and the efficiency of the others improved by the employment of electricians and experienced firemen. In one institution the superintendent is authority for the statement that the cost of coal alone was decreased \$20,000.00 the first year by the efficiency of his chief engineer, while it was impossible for him to estimate the amount saved to the State by the use of waste supplies and cast off boilers. Subsequently an adequate water supply for the institution was developed with the assistance of one of the discarded air compressors.

In the administrative branch of the service competent bookkeepers have been employed, experienced storekeepers appointed, practical clerks engaged and real stenographers put to work. Records now are nearer what they should be, although there is still room for improvement.

The farms are in better condition, men who understand farming and gardening being engaged. Two of the largest farms are under the management of men who have agricultural school training on top of an excellent practical education in agriculture.

Teachers with special and technical training have been appointed in the institutions. The principal at the Lincoln State School and Colony is a graduate of the Chicago Art Institute, as also is the head of the art department. There are experienced literary, kindergarten, domestic science and physical culture teachers employed in all the schools. When the principal of the Illinois School for the Deaf resigned, she was succeeded by an experienced assistant who won her right to promotion in a competitive promotional examination.

The institutions are rapidly growing in size and the problem of government increases. When the Civil Service Law became effective there were 2,201 employes and 12,553 patients, or wards, on June 30, 1905. December 31, 1909, there were 2,416 employes and 16,061 patients. The new year will bring new questions of policy and administration. One of the most important, in the estimation of the Civil Service Commission, will be the question of uniformity of salaries, duties, hours and positions. There are 127 different kinds of positions in the classified service. Of those 700 pay \$30.00 a month or less. The commission and the employes have a right to ask for uniformity, because uniformity will aid in promoting efficiency. It is hard to obtain

the best results from employes who know they are being paid less by the same employer for the same work and they are required to work longer hours than are employes in another institution.

From November 1, 1905, to December 31, 1909, the commission received 13,364 applications. It conducted 1,316 examinations in 45 different cities. Of the 7,547 applicants examined 6,045 passed. There were 6,128 appointments and 4,599 resignations. The number of employes discharged for cause or who quit without notice was 1,218.

Since the Civil Service Law became effective there have been no political assessments. In fact, prior to each election, Governor Deneen has addressed letters to all superintendents advising them that the assessment of employes would not be tolerated. What is of equal importance is that political leaders have not sought to interfere with the employment, disciplining or discharge of employes. In two instances where attempts at interference occurred, the commission was notified of them by the superintendents. The attention of the offending individuals was called to the law. Since then there have been no evasions reported or apparent desire on the part of outsiders to obtain favors for friends from heads of institutions.

## 6. The Merit System in Illinois<sup>1</sup>

The application of the merit system of appointment to public office made its first appearance in the west in 1895. The demoralization of the public service in Chicago, resulting from the abuses of the spoils system led to an organization of citizens determined to apply the merit system to the city service. The campaigns following culminated in the passage of the so-called City of Chicago Act, applicable to cities adopting its provisions. It was adopted in the city of Chicago the same year by a majority of 50,000. Other cities, such as Evanston, Springfield, Danville and Waukegan, have subsequently come under its protection. In these campaigns men like John H. Hamline, Merritt Starr and others who took a leading part, later became identified with the movement to place the State service on the same basis.

Up to 1892 the State charitable institutions of Illinois had remained practically untouched by the blight of politics, and as a result they held a deservedly high rank. Such men as Dewey at Kankakee, Hall at the Blind and Gillett at the Deaf had been in the service many years. There came a political change and a political flood, which swept the

<sup>1</sup> By W. B. Moulton, president, Illinois Civil Service Commission, in *Twenty-first Fractional Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1909), pp. 230-32. See also above, pp. 292-93.

institutions down into the mire of politics. A pamphlet published by the Illinois Civil Service Association in its campaign for a State Law depicts only too well the results of these changes which followed.

#### THE STORY OF A TYPICAL INSTITUTION

Let us look closely at a single typical institution, which since its creation has been an object of special pride to the State. The Illinois Eastern Hospital for the Insane at Kankakee is more than twenty years old. There are more than two thousand patients and more than four hundred employes. It has cost the tax payers, in construction, repairs and maintenance, between seven and eight million dollars. It was planned with much courage and originality in defiance of the prevailing modes of asylum architecture, and its cottage plan became at once a model for imitation in other states. It was authorized in 1877 and opened in 1879 (a significant fact, when compared with the seven years lately required to open the Peoria asylum). Dr. Richard S. Dewey was the first superintendent. Prior to his appointment he had seven years' experience as a staff physician in a hospital for the insane and was an eager student of advanced methods. The institution became at once a non-restraint hospital; that is, intelligent medical and nursing care was bestowed upon sick people, instead of mechanical restraint, used in the average asylum. The Training School for Nurses, the only one in Illinois, was opened, and in many respects the administration was one of marked progress and of marked superiority to that of other institutions for the insane in Illinois.

In the first seven years of the ten-year period of flux, beginning in 1892, Kankakee had five superintendents and three and two-thirds sets of trustees. In the ten years the medical staff has passed through several cycles of change, and among the four hundred employes of all classes it was stated at the time of the 1900 election that there were not more than a dozen who had been there under Dr. Dewey. The skilled alienist has been replaced as superintendent by a general practitioner; the chief of staff, instead of being a trained man, as required by law in the state of New York, is now a village doctor; the women physicians are all gone; medical internes (once chosen by severe competitive examinations) are no more; the pathological laboratory has fallen into neglect; the standard of nursing care has been sadly lowered.

Previous to the passage of the Civil Service Law the institutions were used in every possible way to carry the districts in which they were situated. Employes were assessed for the expenses of nearly every local or general campaign. Kankakee and Lincoln were typical as institutions used for political purposes. At Kankakee during elections the hospital hands and most of the employes likewise were engaged in the political contest. Those who were in actual power used every force available at these hospitals to accomplish but one end, namely: To

make the institutions the political powers in their respective districts. It could hardly be expected that any institution could make much advancement under such conditions. The appointments were generally made, not with the idea that the man should fit the office so much as that the office should be made to fit the man. Yet even here they often failed. For instance, we find the landscape gardener at one place to be a local butcher, who knew as much about landscape gardening as he did about dressmaking. We also found the visitors' attendant at one institution, who had valuable political connections, receiving a higher salary than the chief nurse of the institution.

But worse than all the anomalies of this kind was the fact that instance after instance was given us by the superintendents of subordinates who defied them and ignored them in every particular, and whom they could not discipline or remove because of the influence that held them there.

The women, always interested in the great public charities, made the first move towards a campaign for a State Civil Service Law. Following an investigation of Kankakee in 1900, by the Civil Service Reform Association of Chicago, in 1901, the Illinois Federation of Women's Clubs passed the following resolution:

*Resolved*, That the Federation of Women's Clubs urge that every effort possible be made to arouse public attention to the vital necessity of the entire separation of the public business of the State from the private interests of political parties, by the enactment and enforcement of an effective merit law, applicable, not only to the State charitable and correctional institutions, but to all departments of the public service.

To Julia C. Lathrop should be given a large part of the credit for the real pioneer work in this movement.

In order to secure the enactment of a State law, the Illinois Civil Service Association was organized in the fall of 1902. Prominent clubs and reform associations were invited to send representatives to a meeting for this purpose. A prompt and enthusiastic response was made and individuals from many parts of the State assembled with representatives from the following organizations:

Union League Club, Civil Service Reform Association of Chicago, Hamilton Club, Iroquois Club, Merchants Club, Board of Trade, Civic Federation, Citizens Association and the Illinois Grain Dealers' Association.

In response to the public sentiment Governor Yates meanwhile had appointed a commission to study the State institutions and draft

a bill for a law. This commission was composed of John H. Hamline, Edgar Bancroft, Superintendent W. E. Taylor and Warden E. J. Murphy. After some months of work this commission prepared an admirable law that was introduced in the Legislature of 1903 and was supported by the Civil Service Association. After the fight was well on, it became evident that the administration was opposed to any such measure, and it was defeated in the House by hostile amendments. The effect of the first battle was to unmask the enemies and develop the friends of civil service. As civil service reform is largely a moral question—not one of policy—one could almost tell friend or foe by the personal character of the Representatives.

The platforms of both parties in the State election of 1904 declared for a State wide civil service law. Governor Deneen, during his campaign, pledged his administration to secure a law for the charitable institutions. With such a momentum in its favor the present law, applicable to the charitable institutions, was passed to become effective November 1, 1905. During the same year Wisconsin passed a state wide law and Colorado subsequently followed with a law applicable to the charitable institutions. Campaigns are now on in Michigan, Ohio and other western states that bid fair to become successful.

The Passage of the Board of Administration Act brought under the law the employes of two departments at Springfield—those of the Board of Administration and the Charities Commission, as well as other positions heretofore exempt. An effort was made at this time to place the superintendents of the charitable institutions under the protection of the law (a most desirable result), but the exemption was not removed. The next Legislature undoubtedly will include these officials in the classified service, as well as the employes of the penal and correctional institutions.

## 7. Civil Service in Illinois<sup>1</sup>

### STATE HOSPITAL MEDICAL SERVICE

The assistant superintendent is at the head of the medical department in hospital organization. All of the positions with the grade of assistant superintendent, with the exception of that at the Chicago State Hospital, have been filled by promotional examination, conducted by the Civil Service Commission, from the grade of physician. Also,

<sup>1</sup> Extract from *Report of the Board of Administration of the State of Illinois* (1910-12), pp. 15-10, 43.

positions of the grade of physician in the service have been promoted by Civil Service examination, from the grade of assistant physician. All the assistant physicians now in the service of the State hospitals, except three holdovers, entered the service through Civil Service examination.

The Chicago State Hospital came under the jurisdiction of this board July 1, 1912, and the medical members of the staff of this hospital have been subjected to Civil Service examinations in order that they may be on equal rank and footing with the medical members of the other State hospitals under the jurisdiction of this board.

The personnel of the medical staff of the State hospitals to-day represents a high professional standard equal to that of any other state in this country. This standard of efficiency is due to two powerful selective agencies, Civil Service and the Psychopathic Institute; Civil Service in selecting well trained men, and the Psychopathic Institute in inculcating the spirit of emulation and of scientific inquiry, as necessary adjuncts to success in the practice of psychiatry.

Again this standard of medical service is uniform in all of the State hospitals. There is a spirit of friendly rivalry as well as of emulation between the hospitals. Each hospital has its own medical society where frequent meetings encourage observation and ability to record in the form of papers, reports of cases, etc., the results of observations. Real constructive research work is part of these observations, as the transactions of the various hospital medical societies reveal. In addition to the local hospital medical society there is "The Illinois Hospitals Medical Society," which meets three times a year. The membership of this society is limited to members of the medical staffs of the State hospitals. This organization has been very active during the past year. Its work is comparable to that of any general or special metropolitan medical society with which we are acquainted.

We recite these facts to show that psychiatry in Illinois hospitals is in active working order. Illinois has just reason to be proud of the medical service organization as it now exists in the State hospitals. . . .

#### MEDICAL SERVICE IN INSTITUTIONS OTHER THAN STATE HOSPITALS

During the past year the medical service in institutions other than State hospitals has been placed upon a more efficient basis of service, especially with reference to physical examinations on entrance and proper legal records of the same; a legal case record which places responsibility and covers the essentials of a bedside record that becomes

a part of the permanent records of the institution. Also, a record which shows the movement of attending physicians with a weekly report to the Board of Administration.

The measure of any record is to be found in its value as an original record—in its legal significance. Institutions should have in their archives original records covering these vital medico-legal questions and also to contribute to the vital statistics records, which, sooner or later, will be covered by appropriate legislation in Illinois.

The Board of Administration has also adopted the International List of the causes of death in compiling statistical data of deaths. We believe that registration of vital statistics is a necessity in studying the great problems of prevention which today confront us on every hand, where we deal with health, social and economic problems as found in State charities and corrections.

### 8. The Need of Civil Service Reform<sup>1</sup>

The above review of Civil Service legislation shows that the chief tendency has been toward the development of devices to prevent appointments contrary to law, to secure the general enforcement of the Act, and to eliminate political influence, and that little attention has been paid to the working out of methods for securing high grade experts.

The chief need of Civil Service reform at the present time is the embodiment of such features as the keeping of efficiency records, which look toward greater efficiency in the public service. As a recent authority has expressed it, "the watch dog type of civil service must give way to constructive co-operation with officials to secure high grade experts who are at once both efficient and responsive."

### 9. A Comparison of Civil Service Procedure with Business Methods<sup>2</sup>

84. The idea, we believe, has obtained some currency, that the work of the Civil Service is not always conducted in a "business-like" manner, and that the application of "business methods" to the con-

<sup>1</sup> Extract from A. C. Hanford, *Report of the Efficiency and Economy Committee Created under the Authority of the Forty-eighth General Assembly, State of Illinois* (1915) (Appendix on Civil Service Laws), p. 925.

<sup>2</sup> Extract from Great Britain, Royal Commission on the Civil Service, *Fourth Report of the Commissioners* (1914; Cd. 7338), pp. 82-83.



duct of public administration is both practicable and necessary. Indeed, it is often assumed that when "business methods" are not applied, the reason is to be found in official ignorance, incapacity, apathy, or prejudice.

In dealing with the organisation of the Civil Service, it is desirable to enquire into, and measure the value of, this criticism, and to mention the points on which the conduct of public administration differs and must continue to differ from the conduct of a private business.

85. A private business is usually conducted for profit. Profit is its object, and failure or success in earning a profit is not only a sure test of the failure or success of its methods, but an indispensable condition of its continued existence.

There are a half-dozen Government Departments to which the commercial criteria of the successful conduct of business transactions may to some extent be applied; but as a general rule the objects for which public departments are maintained are wholly different from those of private enterprise. Some advantage to the community as a whole other than pecuniary profit is the object to which departmental administration is directed. That advantage cannot be expressed in a balance sheet; and as the departments are established in obedience to law or public opinion and to meet the necessities of social conditions, they must be administered whether the result be a money loss or gain.

Departments like the Board of Education or the War Office spend large sums of money; but they can never, however ably administered, declare a dividend on the capital sunk in their operations.

Again, the courts of justice earn fees, which are appropriated in aid of the Parliamentary votes which maintain them. But no one would seriously contend that the expenditure of the courts should be limited to their fee-earning capacity; still less that they should be closed if they failed to show a surplus, or that the success of our judicial system should be judged by the amount of such a surplus.

86. There is another important point of difference. Ministers who conduct the administration of public affairs have, as we have just seen, no such means of justifying their administration as boards of directors of companies have in their balance sheets and declarations of dividends. But they are subjected to far more continuous and detailed criticism than are the directors of commercial enterprises. In Parliament and elsewhere they are required to give explanations of every kind of action or inaction, to defend it if in accordance with precedent, to justify it if it be a new departure. Such defense or justification is impossible with-

out the use of elaborate records and a procedure which is usually slow in comparison with that of a business manager.

Much of what is commonly described as "red tape" is due to the exigencies of Parliamentary government; much of the delay and expense of public departments should in truth be regarded as part of the price paid for the advantages of public discussion and criticism of public affairs.<sup>1</sup>

#### 10. Boards of Managers and Civil Service Appointments<sup>2</sup>

The Board of Managers believes firmly in the "merit system," but is also of the opinion that improvements can be made in its practical application.

Honorable John C. Birdseye, Secretary of the State Civil Service Commission, stated in a letter written to the Fiscal Supervisor in 1912:

We concede that the present classification of positions at the charitable institutions is the result of "precedent and custom." It should be borne in mind, however, that the present classification is unbalanced, having had its inception years ago when positions were not as numerous as at present, and at a time when our facilities for handling examinations were not as advanced as at present. It may be found, therefore, that certain positions now in the non-competitive class may be properly transferred to the competitive class, with the understanding, of course, that the present incumbents would continue without further examination.

Mr. Harold N. Saxton, Chief Examiner of the State Civil Service Commission, in his *Report* for 1912 to the Commission said:

<sup>1</sup> [The following considered statement from a great public servant adds validity to the comments of the commissioners:

"A department, in view of its answerability to Parliament, must keep a written record of all stages of its transactions. These records must pass freely from one officer of the department to another, and from one department to another if need be. The business man in the nature of the case has a totally different tradition. His transactions must often be kept from everyone else, even in his own business, and always from rival businesses. He has to go ahead, taking the risk of mistakes, putting speed before infallibility. His is the secretive individualistic attitude; the civil service aims at complete co-operation and openness. It is open to question whether the accuracy obtained by the Civil Service is worth the delay and red tape. It is, however, inevitable so long as the public are taught by Parliament and the press to take such a totally wrong view of occasional mistakes, and to attach such vast importance to them" (Sir William Beveridge, *The Public Service in War and Peace* [London, 1920], p. 18).]

<sup>2</sup> Extract from *Sixth Annual Report of the Board of Managers of Leicestershire Village* ("New York Senate Document No. 8," 1915), pp. 27-29.

Then it has also occurred to me that the relation of public education to the civil service system should be most carefully studied: Can there not be a systematic co-ordination of our school system and the civil service system? It has been said that the State of New York carries the examination idea to the extreme. Through a system of examinations pupils are graduated from the grammar schools and admitted to the high schools; upon passing successfully the required examinations they graduate from the high school. An academic diploma is required for admission, for example, to the study of medicine; at the end of the course the student is examined for graduation and then, if he desires to practice medicine in this State, he must take an examination for license, and on top of all this, if he desires to serve the State in the capacity of physician he is usually required to compete in another examination for the appointment to which he aspires. I have no suggestion to make in this connection. I leave it for those more competent and with more time at their command to study out a plan for the interrelation of public education and public employment.

Honorable Dennis McCarthy, formerly Fiscal Supervisor, caused an examination to be made by representatives of his department into the application of the civil service rules as affecting the State charitable institutions. The conclusions reached by his investigators were as follows:

Without doubt, the Civil Service Commission desires to serve the public fairly in administering the law. The institutions are fully cognizant of this fact, but feel that the Commission is not in as close touch with them as they believe desirable.

The appointing officers of the institutions have many more difficulties with which they must cope in selecting their employees than have departmental heads. Employees prefer departmental to institutional work. In securing employees, the appointing officer is hampered by this condition, and by the situation of the institution, the commercial activities in the vicinity, the class of patients under treatment, and various other factors, which do not appear in the departmental problem. Moreover, other departments are depending on the institution for fairly accurate work. For this the superintendent is responsible, and often, when there is not a full quota of officers, or employees, is hard pressed in many departments of his institution.

Therefore it seems that it would be only reasonable to allow more latitude to the appointing officer, and this can only be done by a re-classification of all institutional positions: placing all not essentially clerical in character in the non-competitive class, and nurses, teachers and the like (who possess a state certificate or diploma), in the exempt class. This would act toward raising the standard of efficiency of institutional employees, by placing the burden of responsibility for securing competent employees on the superintendents, or other appointing officers.

The Board of Managers believes that, as a result of closer co-operation between the State Civil Service Commission, the Commissioner of Education, the Salary Classification Commission and the Boards of Managers, further improvements can be made in the practical application of the civil service rules, which will result in increasing efficiency in the conduct of the State charitable and reformatory institutions.

## **II. Analysis of Problems Peculiar to Institutional Service<sup>1</sup>**

The hospitals for the insane represent an important group of the institutions of the State under distinct management and control. Important strides have been made during the last ten years, through the action of the Hospital Commission and the hospital superintendents, to standardize conditions of employment in this branch of the State government. The Senate Committee has followed many suggestions from the present rules and practice governing these institutions and has incorporated them into the proposed schedules for the Institutional Service.

The reason for specifying standard rates of pay, standard work requirements, standard qualifications (in terms of ability, experience and training), and standard titles for each line of employment has been set forth, [and] is that the individual line of work possesses distinct employment conditions in these respects. It has been further pointed out that from the viewpoint of conditions governing advancement and promotion, hours of work, etc., the principal lines of employment of the State service possess common characteristics which suggest the application of general rules with respect to salary increases, promotion, and related conditions. One service, however, possesses characteristics which so completely differentiate it from the other services of the State government as to require special treatment, namely, the Institutional Service.

The State hospitals, prisons and other institutions of the State government, which comprise the Institutional Service, represent about forty per cent of the State's personnel. This service presents several problems and conditions of employment which do not exist in any other division of the State government. These problems will be discussed under the following headings:

1. Maintenance
2. Commutation

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1910), pp. ciii-civ.

3. Special Conditions Affecting Rates of Pay
4. Problems of Special or Extraneous Duties
5. Problem of "Special Attendant"
6. Problem of "Chief Supervisor"
7. New Positions and Titles
8. Probationary Period and Service Records in Relation to Advancement

#### I. MAINTENANCE

In accordance with the standard specifications, the employes at the several institutions should be granted full maintenance consisting of meals, lodging and laundry. Arrangements should be made so that the employes can be accommodated at meals in appropriate dining-rooms and lodging provided in nurses' homes, attendants' homes or other available dormitories, the assignment of rooms and distribution of employes being left to the several superintendents subject to the approval of the governing departmental agency. Each employe should be granted the number of pieces of laundry provided in the laundry schedule adopted by the governing departmental agencies for all the institutions after considering the recommendations of the superintendents of the several institutions.

Stewards should be granted maintenance for their families. Where quarters are available junior stewards and assistant stewards should also be granted maintenance for their families after an appraisal of the service and upon approval of the departmental agency in recognition of efficient service.

#### 2. COMMUTATION

There are two fundamental reasons for granting commutation or a money allowance for meals and lodging. First, in some institutions there is a lack of accommodations both for lodging and meals for employes. Second, it often happens that married people are able to work for the State only on condition that commutation is granted. In order not to deprive the State of the service of these, commutation should be granted in lieu of maintenance.

#### 12. The Probationary Period, Service Records, Transfers<sup>1</sup>

In order that the fitness and ability may be ascertained, there should be a probationary period of not less than four months for all

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40" Legislature 1916), pp. cxvi-cxvii.

employees in the institutional service. The compensation for this probationary service should be at the minimum rate established for the several grades of the service. Increases should be granted in accordance with the schedules outlined in the specifications and the date of employment should be construed as beginning on the first day of the calendar month following the date of actual employment unless such employment shall have actually begun on the first day of the month. This proposed regulation, however, is not to be construed as depriving an employe of compensation for the days of actual service rendered prior to the first day of such month.

Service records and ratings should be installed in order that the relative efficiency of all employes in the institutional service may be used in advancements and promotions. Such records form the basis of salary increases and are an important element in promotions.

Transfers from one institution to another should be made possible only upon the written consent of the superintendents of the institution, from which and to which the transfer is proposed. In such case the service should be regarded as continuous. Employes leaving the service and subsequently obtaining employment therein should be regarded and classified as new employes. No employe who has been discharged from a State institution should be employed in another hospital without the approval in writing of the superintendent of the institution from which such employe was discharged.

### 13. Special Conditions Affecting Rates of Pay<sup>1</sup>

In the State hospitals for insane criminals and insane convicts there are several problems of hospital management which are peculiar to the institutions and have a direct bearing upon the salary and wage rates of employes. (1) In the first place it should be noted that the criminal insane, particularly insane felons, are a more dangerous, violent, and cunning class of patients than those in the other institutions, and consequently are more difficult to handle. (2) The surroundings in a civil institution are more congenial and the social conditions are somewhat better than those in hospitals for insane criminals and insane convicts. (3) In other states, the salary rates in institutions or parts of institutions assigned to insane criminals and insane convicts are gen-

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), pp. cviii-cix.

erally higher than in other institutions or parts of institutions where insane patients are not of these classes. In institutions where both criminal insane and civil insane are committed, attendants selected from the better grade of employes are assigned to the former class. (4) In institutions for insane criminals and insane convicts the work of the attendants is somewhat similar to the work of a prison guard in State prisons. There is an apparent disparity in the rates of pay for the employes in the two kinds of institutions. (5) In this connection it should be pointed out also that it is more difficult to attract and retain employes for these hospitals than for the other State institutions.

#### 14. The Merit System and Child Welfare<sup>1</sup>

I cannot leave the question of public protection of children without saying something about the factor on which the success of any program depends—a properly qualified personnel. At the meeting of the Conference here in Toronto in 1897 in what was perhaps the most significant paper of all those presented, Mary Richmond discussed the need of a training school of applied philanthropy. In it she set forth the imperative need of more and better training for the tasks which the social worker was undertaking to perform in the community and outlined with convincing concreteness the possible curriculum and the field of work, as well as the relationship which such a school might sustain to the university or college as well as to social agencies. Although Miss Richmond's conclusions were challenged by some, it was only a short time before a beginning was made in meeting this new educational need. Today we have graduate and undergraduate schools giving general and specialized training. We have also, as I am sure all of you know, an organization of social workers which is trying to develop a professional attitude among ourselves and toward ourselves. There is, however, only one way by which these advancing standards can find permanent place in the public service, and that is through a recognition of the merit principle in appointment. The universal experience is that the merit principle is made certain in the public service by civil service and by civil service only.

I am led to speak of this for several reasons. In the first place, in spite of years of agitation, the need is still not met. In a recent article in the *Annals of the American Academy*, the executive secretary of the

<sup>1</sup> Extract from Grace Abbott, "Presidential Address," *Proceedings of the National Conference of Social Work at the Fifty-first Annual Session* (Toronto, 1924), pp. 11-12.

American Association of Social Workers states that "only four of the twenty-five states reporting have all or any part of the social work classified under civil service." A scientific classification of employees is the basis of an efficient working of the merit principle. Federal employees found their prophecies fulfilled when that important function was not given to the Federal Civil Service Commission which for nearly half a century with increasing effectiveness has protected the service from the politician and co-operated in raising the standards of admission to the service. At last year's conference it was said that one could no more choose a social worker by means of a civil-service examination than a man could choose his wife by that method. That this conclusion involved a fundamental misconception of the task of the social worker and also of the progress that has been made in the administration of civil service, I do not need to point out to you.

Some good public officials, it is true, prefer the dangers of politics to what they think are the uncertain means of determining real fitness which a civil-service examination offers.

In many states and local communities, the civil-service laws are badly drawn or poorly administered. This cannot be accepted as a reason for regarding civil service as a failure any more than we would advocate a return to employers' liability because a workmen's compensation law was badly drawn or administered. In the federal service we use now very commonly what is known as the non-assembled examination in which the applicant's education and experience are rated and an oral examination determines those qualities which only a personal interview can determine. I know of no better basis of choosing a properly qualified person than education, experience, and personal adaptation for the work. Under civil service all of the requirements for different types of service can be worked out as carefully as in the best organized personnel bureaus; the only restriction on the civil service is that these standards once set up cannot be changed while the examination is in progress.

What is the alternative to this method of selection? Every year some state or local community in which the tradition of the merit system has seemed to put the public service on a sure foundation has seen the work for children sacrificed to selfish ambitions—sometimes of one party and sometimes of another.

At the meeting held in Toronto in 1897 a committee was appointed to investigate and report upon the subject of "Politics and Public Institutions." At the next meeting in New York in 1898, Dr. Henderson,



who was chairman of the committee, reported on the results of a questionnaire sent out to all the states. Information was obtained which he describes as "in no case exhaustive." To quote Dr. Henderson's words:

A startling yet very natural revelation of the tendency of the "spoils system" came out in our correspondence and showed that system to be what it is—a system of terrorism, under which the best and bravest men quail. In almost every instance we have been in honor obliged to omit the names of our informants and even the states from which our knowledge comes.<sup>1</sup>

Conditions have improved since that time. But we ought to have no false sense of security. Responsible executives in most places are not appointed through civil service, and the work is not secure when it is only the subordinate positions in which the merit system prevails. I do not mean to say that we have not had excellent political appointees who have done much to advance the programs in which we are all interested. But these advantages we could secure on a more dignified basis through the civil service. Whether or not we extend the field of public service, it is already so important that one of the tasks that we have always with us is to protect and at the same time to raise our standard of public administration. This is especially important in the case of public child-caring agencies because of the peculiar helplessness of all children and especially of the groups of children so frequently intrusted to the care of the state. Moreover, the problems of child welfare are so varied and so fundamental that only when our ideal of public administration becomes a reality can we hope to do for children what we should.

<sup>1</sup> See above, Document 2, p. 439.

## SECTION V

### INTRODUCTORY NOTE

The relation of the civil-service reform movement to the development in the field of charities and correction has been indicated; the problem of the classification of the civil service is somewhat more difficult to state. There is, first of all, the consideration of the great variety of forms of service, some of which are highly professionalized, such as the medical, legal, or strictly educational, while others are in the technical group, such as institution engineers, etc., and others are in process of professionalization. Institutional management, nutritional supervision, the organization of the labor of the patients from the point of view of the therapeutic value of work and of possible economy, the care of young children—these are fields of work in which a technique has been in process of development. So long as responsibility for employing and dismissing members of the staff of an institution rests with the head of the institution there will be great variety in the arrangement of work and the members of the staff will be very much at the mercy of the appointing official, who may be a person of good will and public spirit but without the capacity or opportunity for thorough job analysis. Moreover, such an arrangement makes very difficult, if not impossible, a comprehensive view of the service; and great inequalities in rank, pay, recognition for work done, will characterize the employment policy of the government. Especially will the results of any general prejudice under which an individual may suffer by virtue of sex, race, or general social and economic disadvantage manifest themselves in impaired morale, a sense of grievance, and reduced efficiency of the service.

Classification becomes then an item in an intelligent employment problem for the entire service, in behalf of justice and fair play and of efficient organization. This is especially important in complicated institutional arrangements, where at best there are great differences and many varieties of employment opportunity, and in connection with the selection of the so-called social workers who are being called on in increasing numbers as the treatment of the various groups of wards of the state is becoming more effectively individualized.

There had until recently been no generally accepted standard for admission to the field of social work. With the development of higher standards of work in certain private agencies, especially those dealing with problems of family welfare, with the multiplication of schools of social work in which professional education can be obtained, and especially with the setting of high standards for the admission to the staff of certain federal agencies, notably the United States Children's Bureau, many forms of social work are being more widely recognized as having the features that characterize the professions.<sup>1</sup> Such positions can be defined and classified.

In the following section, there are given a few documents presenting the argument for classification<sup>2</sup> and answering certain obvious questions. The first of these is, What agency should be held responsible for the classification of the public service.<sup>3</sup> And the better opinion places the duty on the Civil Service Commission. Another very interesting question is that of the position of the different groups of persons concerned with welfare administration in the general scheme,<sup>4</sup> the definition of those particular classes and the specifications defining their duties, laying down their qualifications, and indicating the opportunities for advancement and promotion. As has been said the selection is necessarily fragmentary. The reader will be able however to formulate the problem and to examine more intelligently the situation in his own state. It is perhaps especially important for those states in which as yet no civil service machinery has been set up. Document 7 is given in illustration of the treatment of these positions by the classification authority.

<sup>1</sup> James H. Tufts, *Education and Training for Social Work*; Jesse F. Steiner, *Education for Social Work*; Publications of the American Association of Social Workers.

<sup>2</sup> Document 3.

<sup>3</sup> Documents 1, 2, 4.

<sup>4</sup> Document 7.

## SPECIAL PROBLEMS: CLASSIFICATION IN THE PUBLIC SERVICE

### **1. Classification a Function of the Civil Service Commission<sup>1</sup>**

#### STANDARDS FOR APPRAISING CIVIL SERVICE COMMISSIONS

In any effort to appraise our civil service commissions we need to be guided by certain reasonable standards upon which the appraisers can agree. These standards may well be divided into two groups: one group consisting of those which may fairly be applied to the conduct of civil service commissions in the past; and the other group including the additional standards to which these commissions ought to conform in the future but which should be applied with considerable leniency in appraising their past performance.

1. The first group, in the opinion of the committee, should include the following standards:

a) *That civil service commissions should be non-political in character.*—This would seem an obvious requirement. If political considerations are to be excluded from appointments, promotions and dismissals in the public service, the commission itself must do its work without political bias.

b) *That civil service commissions should faithfully enforce merit principles.*—The very essence of proper civil service administration consists of the enforcement of merit principles. To the extent that commissions fail in this, they fall short of fulfilling their most important mission.

c) *That civil service commissions should maintain continuity of employment policy.*—Frequent change or reversal of policy, occasioned by changes in the personnel of the commission or otherwise, is nearly always fatal to the orderly building up of an employment program. In the long run, even mediocre methods consistently adhered to will produce better results than superior methods half-heartedly and spasmodically applied.

2. There is a second group of standards to which civil service com-

<sup>1</sup> Extract from Governmental Research Conference of the United States and Canada, Committee on Civil Service, *The Character and Functioning of Municipal Civil Service Commissions in the United States* (1922), pp. 10-12, 14-15, 36-37.

missions have not always been expected to conform in the past but to which they will have to conform more and more in the future. The standards in this group are as follows:

a) *That civil service commissions should be under professional guidance.*—The public service is becoming so complex and its requirements so varied and technical that merit principles can no longer be applied by rule-of-thumb methods. From this it follows that the agency charged with the administration of these principles must be under professional guidance.

b) *That civil service commissions should perform adequately all the employment functions of government.*—In this statement the emphasis is to be placed on the words “adequately” and “all.” Civil service commissions ought to perform not only those functions that are expressly assigned to them in existing laws but also the other functions that properly belong to the personnel agency of government. Unless we are disposed to neglect some of these functions, we must either centralize them in a single administrative agency, the civil service commission; or we must permit each department to have its own personnel agent, thus decentralizing responsibility; or we must create a second central agency to perform the functions neglected by the civil service commission.

c) *That civil service commissions should make possible democratic administration of the employment affairs of government.*—It is coming more and more to be recognized that employes should have a voice in determining their conditions of employment. As we have already pointed out, this is true particularly in private industry where the movement of workers’ representation in management has made remarkable strides during the last five years. In promoting morale and efficiency, few factors are so important as a reasonable degree of participation by employes in the administration of employment affairs. . . .

#### FINDINGS AND RECOMMENDATIONS

*Summary of the committee’s findings.*—The committee’s findings may be summarized briefly, as follows:

1. In the main, our civil service commissions have been under political domination rather than under professional guidance, the individual members of commissions usually being appointed more largely on account of political considerations than because of their understanding of employment problems.

2. Although some of our commissions have shown commendable

courage and devotion in carrying out the spirit of our civil service laws, yet generally speaking we have not secured a faithful enforcement of merit principles.

3. Owing to the high rate of turn-over in the membership of our civil service commissions and the subservience of our commissions to the will of the chief executive, we have not had that continuity of employment policy which is so important to effective administration of the civil service.

4. Most commissions have performed only a small portion of the functions now coming to be recognized as belonging to the personnel agency of government.

5. Our civil service commissions as now constituted represent only the management and no effort has been made to give adequate participation to the workers in determining conditions of employment.

6. In order to correct these shortcomings in the administration of civil service, it is essential first of all to reconstitute our commissions along different lines.

*Recommendations of the committee.*—The committee recommends:

1. The expansion of the civil service commission to a personnel agency composed as follows:

A civil service commissioner chosen by competitive test, who is to be chairman and executive officer, to serve during good behavior and efficient service at a salary approximately equal to that of other department heads with comparable responsibilities; and two associate commissioners—one appointed by the executive head of the municipality from his administrative staff and one elected by the employes in the classified service. The two associates are to share equally with the commissioner the responsibilities of the legislative and judicial functions, but to act in an advisory capacity only in administrative matters and to serve without additional compensation.

2. The appropriation of sufficient funds to carry on all of the functions contemplated for the personnel agency. . . .

#### CIVIL SERVICE CONTROL ABROAD

In one of those illuminating opinions prepared for the Supreme Court by Justice Holmes, he is reported to have written that "historical continuity with the past is not a duty, it is only a necessity." This holds for students and observers of most of the older and many of the newer institutions in the United States. These institutions cannot well be understood nor explained without reference to what used to be called

the "mother country." Particularly is this opinion applicable to public administration, including, as it happens, those methods of civil service control that are now current with us. Our federal civil service law of 1883, which has been more or less faithfully copied by a number of governmental units in this country, is, for instance, to be traced to England with peculiar directness. Beginning in 1877, Dorman B. Eaton undertook, at the request of President Hayes, a careful investigation of the civil service in England. In 1880 his work on the British civil service appeared. It served as the basis of the successful propaganda for civil service control in the United States that finally culminated in the Act of 1883. This legislation was drawn up by Mr. Eaton. After its enactment he was appointed to serve on the first commission of the federal government and thus became jointly responsible for the administrative procedure originally adopted by the commission. Thus it would appear that there has been "historical continuity" in the development of civil service control in the United States.

It is the primary purpose of this chapter to provide the background that will indicate that our civil service administration is not a sporadic and isolated phenomenon, but rather part and parcel of an orderly and a developing process. This applies to the initial stage of civil service control, namely that of selection on the basis of competitive examination. But we may also assume that other phases of employment administration that have recently been incorporated into civil service policy abroad will serve as the basis for predicting similar developments in this country.

The following discussion will be divided into three parts: the first dealing with the competitive examination as the bed rock of civil service control, past and present; the second dealing with the expansion of the functions of the civil service commission by centralizing employment control under it; and the third considering the increasing recognition of the point of view of the employes in matters of compensation, conditions of work, and similar problems.

## 2. The Civil Service Commission and Reclassification<sup>1</sup>

The Commission feels very strongly that the new classification should be adopted and followed as soon as possible by heads of departments, the Board of Estimate and Apportionment and the Bureau of

<sup>1</sup> Extract from *Thirty-second Annual Report of the Municipal Civil Service Commission of the City of New York* (1915), pp. 32-33.

Standards. It would like to see a general reorganization of the service go into effect at the earliest practicable date so that the Commission may be able to discard the present complicated and antique classification and adopt the proposed new classification without confusion.

The Commission's study and work on the proposals of the Bureau of Standards, its understanding of the purposes of the work of the Bureau, and its view of the proper place and functions of the Civil Service Commission in the city government, have led the Commission to the conclusion that the most effective organization of such work would place some, at least, of the present functions of the Bureau of Standards under the jurisdiction of the Civil Service Commission. This observation is in no wise a reflection upon the work of the Bureau, but is rather a recognition of the importance of the Bureau's work and of its many ramifications into all the varied branches of city administration. As far as rates of pay are concerned, the ultimate responsibility of course, lies with the Board of Estimate and Apportionment and the Board of Aldermen. As the employment agent of the city, however, no department is more concerned in having exact information as to the duties and functions of departments in the city government and of the work of the city employes than the Civil Service Commission. It is through the Commission that appointing officers receive most of their employes. In providing departments with qualified employes, the commission is required to conduct a large number of examinations of varying types according to the needs of the service.

A classification and organization of the service, based upon duties with appropriate titles, is, therefore, of vital concern to the Commission. If there is no centralization of responsibility or power in these functions, there will be, as there is today, a wide duplication of titles involving infinite confusion and trouble, not only for the Commission, but for the heads of other departments as well. The Commission submits, therefore, the proposition that there should be closer co-operation between the heads of departments, the Board of Estimate and Apportionment, the Board of Aldermen, and the Commission in the matter of the establishment of positions and the grading of city employes.

Whether any other functions now performed by the Bureau of Standards should be taken over by the Commission, is another matter. If the proposed new classification is adopted, however, as the Commission hopes it will be, it becomes vitally important that the matter of recommending the establishment of positions under certain titles should be centralized in the Commission. The Commission would,



therefore, recommend amendments to the Charter which would provide, in the first place, that when the Board of Estimate and Apportionment recommends the establishment of positions to the Board of Aldermen it shall accompany such recommendation with a certificate that the titles proposed have been approved by the Civil Service Commission, and that the Board of Aldermen shall be prohibited from changing the title of any position unless the Civil Service Commission shall have previously consented thereto.

### 3. The Argument for Classification<sup>1</sup>

#### CHARACTERIZATION OF PRESENT EMPLOYMENT CONDITIONS WITH SUMMARY OF FINDINGS

The investigations and findings of the Senate Committee on Civil Service furnish convincing evidence that the business of the State is transacted with a considerable amount of waste. The Committee estimated in its preliminary report of April 9th, 1915, that the payroll cost could be reduced by at least two million dollars through proper reorganization of methods and simplification of work, of which five hundred thousand dollars could be immediately effected. The Committee, after exhaustive investigation, finds that this estimate was conservative.

Many factors contribute to the waste or inefficiency in the State government today. One of the most important factors is the present system of civil service control and the deadening spirit which underlies it. In no department of the State government do employment conditions approach the standards adopted by private practice, although there are many instances of highly competent and thoroughly trained officials and employes rendering much more service to the State than could be required of them.

The most important results of or defects in the present system of civil service control revealed by the Committee's investigation may be summarized under the following headings:

1. Irregularity in Rates of Pay—With Large Amount of Overpayment
2. Multiplicity of Fictitious and Unnecessary Titles—With Resultant Confusion of Work, Friction between Employes, and Administrative Difficulties in Assigning and Controlling the Personnel
3. Inadequate and Inequitable System of Advancement and Promotion

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), pp. xiii-xix.

4. Unnecessary Duplication of Work—Prevalence of Useless Positions
5. Lack of Proper Qualifications and Preliminary Training of Employees
6. Exempt Positions—Need for More Permanence of Tenure in Important Posts
7. Lack of Standards to Control Output of Employees
8. Lack of Esprit de Corps—Deadening Influence of Service under Present Conditions
9. Present System of Civil Service Control

I. IRREGULARITY IN RATES OF PAY—WITH LARGE  
AMOUNT OF OVERPAYMENT

The extent of overpayment, by which is meant the amount of excess of the present rates over maximum rates recommended for the standards of work involved, aggregates \$380,082, which may be distributed, by services, as follows:

Clerical . . . . .	\$195,535
Professional and scientific . . . . .	81,184
Inspectional . . . . .	34,664
Investigational and examining . . . . .	36,456
Other services . . . . .	32,243

The amount of underpayment, by which is meant the difference between present rates and minimum rates recommended for the standard of work involved, aggregates \$83,050, which may be distributed, by services, as follows:

Clerical . . . . .	\$19,976
Professional and scientific . . . . .	40,687
Inspectional . . . . .	5,620
Investigational and examining . . . . .	5,226
Other services . . . . .	11,541

This irregularity of compensation, which in itself would tend to disrupt any private or public enterprise, is the result of many years of comparative indifference to principles of sound business and fair dealing, particularly in the two following respects:

*First.*—Practice of making appointments to the same line and grade of work at widely different rates (the appointees being recruited generally from the same eligible lists, where the positions are competitive).

*Second.*—Practice of advancing and promoting employees without proper reference to relative merit, seniority of service or change of duties.

The effect of the second practice in producing not only irregularities

in rates of pay but also a general condition of overpayment, is particularly marked.

The average salary of all State employes in the administrative departments (all offices and functions represented) on January 1, 1911, was \$1,473.

The average salary of all State employes in these departments on January 1, 1915, was \$1,848.

This represents an increase in the average salary of all employes of \$375, or 25 per cent of the original cost.

In this connection the experience of the city of Chicago, somewhat similar in the size of its organization and in the variety of its functions, is significant. From 1911 to 1915 the average salary rate of all employes in its departments has fluctuated but little, the net average rate remaining about the same. In two large services—Clerical and Supervising—the average rate decreased \$38 and \$72 respectively; in three services—Medical, Engineering and Inspectional—the average rate increased \$43, \$38 and \$72 respectively. In one service—the Library Service—which is very small—the rate increased \$228 (from \$678 to \$906 per annum).

During this period Chicago was administered under a definite plan of salary control. However, the marked and abnormal increase in the average payroll cost of New York State employes during this period of four years will find few, if any, parallels in public or private practice.

## 2. MULTIPLICITY OF FICTITIOUS AND UNNECESSARY TITLES,—WITH RESULTANT CONFUSION OF WORK, FRICTION BETWEEN EMPLOYEES, AND ADMINISTRATIVE DIFFICULTIES IN ASSIGNING AND CONTROLLING THE PERSONNEL

According to standards developed after investigation and submitted as part of this *Report*, there are approximately 943 fictitious or unnecessary titles in the State service today. . . .

Titles are now used to designate employments for the purpose of civil service and budget control. A title, as construed by law, indicates not only the relative rank and importance of an employe's status, but also the scope of his employment and constitutes the restrictions or limitations beyond which he may refuse to work. An improper title, because of its legal as well as its institutional significance, almost invariably spells waste. . . .

## 3. INADEQUATE AND INEQUITABLE SYSTEM OF ADVANCEMENT AND PROMOTION

The failure of the State government to establish a sound and equitable system of advancements and promotions has produced condi-

tions unjust to the employe and extremely costly to the State. Advancement of employes has been influenced in no small degree by accident or considerations of personal preference. Too little premium is placed upon demonstrated merit, efficiency or length of service. Up to a comparatively recent date the Civil Service Commission has not exercised any control over service records or ratings and the departments, with one or two exceptions, have done nothing to introduce this important factor in the regulation of the personnel. This is largely due to the fact that the present law does not require the keeping of such records or permit the Civil Service Commission to compel it.

The weaknesses of the promotional system as applied to positions under civil service control are exhibited in the following:

*First.*—Promotion is permitted under the present civil service law from one salary grade to another salary grade without change of duties. Employes in specific posts have, with little or no increase in responsibility, been indiscriminately advanced again and again.

*Second.*—Increases in salaries have been given without reference to relative merit or length of service.

*Third.*—Promotions have been administered within restricted and narrow limits, largely owing to the restrictions of the present law. This has resulted in undesirable discrimination against the employes of departments where the routine and low salaried positions are concentrated. For example, the average rapidity of advancements for employes recruited from the same or similar eligible lists, with similar qualifications, and performing the same kind of work, differs so widely in the several departments that, whereas the employes of some departments are advanced with undue rapidity and without adequate preliminary training, those of other departments receive wholly inadequate recognition.

#### 4. Classification within the Civil Service Organization<sup>1</sup>

##### ESTABLISHMENT OF DIVISION OF SERVICE RECORDS AND STANDARDS

No administrative agency now exists, under the law, to enforce the basic standards governing rates of pay. Eventually, these functions should be delegated to the Civil Service Commission in order that responsibility therefor may be concentrated in a single agency so con-

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), p. xxxv.

stituted as properly to represent the managerial interests of the State government on the one hand, and the welfare of the employes on the other. The Civil Service Commission should, therefore, be equipped to take over these additional functions under proper regulations; and it is recommended that a Division of Service Records and Standards be created within the Commission charged with the following functions:

*First.*—Grouping and assignment of positions according to standards adopted by the Legislature.

*Second.*—The installation of service records and the enforcement of rules and regulations of the Civil Service Commission governing same.

*Third.*—Formulation and submission to the Civil Service Commission of suggested rules and regulations, consistent with the adopted standards, governing appointments, promotions, transfers, reinstatements, and other related problems.

*Fourth.*—Investigation of requests for new positions for the purpose of report by the Commission to the Legislature.

### **5. Analysis of Employment Problems, with Particular Reference to General Standardization Proposals<sup>1</sup>**

The proposed standardization program has primary reference to two distinct though related questions of employment control as follows:

*First.*—Those questions which relate to the establishment of positions, fixing rates of pay and other conditions governing same.

*Second.*—Those questions which relate to the manner and method of recruiting employes for such positions and regulating their conduct while in the service.

It will therefore be desirable to consider the present and proposed practice in regard to the manner and methods of establishing positions and of recruiting and controlling employes.

#### **I. MANNER AND METHODS OF ESTABLISHING POSITIONS**

Up to the present time no formalized procedure has obtained in the establishment of new positions. Requests upon the Legislature as the appropriating and finance controlling body, may originate in any number of sources and be cleared through various channels.

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), pp. xci-xcii.

The State government is at the present time organized into approximately one hundred and fifty departments or independent establishments. Under the present practice responsible officials in each of these departments reach independent judgment as to functions or work which shall be initiated or further developed, and make requests upon the Legislature for necessary appropriations to cover the other positions thought to be necessary. The administrative branch of the government maintains no staff or centralized agency with which to pass upon the reasonableness of the requests.

The Legislature, in taking final action, is advised by the finance committees of the Senate and the Assembly, but these committees have not in the past been equipped with staff assistance which has enabled them to review adequately the considerations which supported the requests, or to investigate the conditions which should govern the establishment of the positions, if necessary.

This briefly characterizes the fundamental weakness in the present control over the development and growth of the State's highly decentralized administrative agencies.

Pressure has been continuously exerted upon the Legislature to expand and to make more costly the organization and work of each of the one hundred and fifty units of the State government, but no provision has been made adequately to check this pressure and prevent hasty or ill advised action. The State government lacks a centralized investigative and advisory agency which would initially pass upon the need for new positions and defer action by the Legislature until all the pertinent facts had been developed and interpreted.

The effect of this lack of control has been evidenced in four ways, as follows:

- a) Establishment of Unnecessary Positions
- b) Irregularity in Compensation for Work of Similar Grade and Character
- c) Irregularity and Rapidity of Salary Increases and Promotions
- d) Irregularity of Titles for Work of Similar Grade and Character

## **6. Manner and Methods of Recruiting and Controlling Employees<sup>1</sup>**

The Civil Service Law divides the civil service of the State into two divisions—the unclassified service and the classified service, which now

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), pp. c-cii.

aggregate 16,941 positions. The unclassified service, which includes 994 positions, comprises the following:

- a) All elective offices
- b) All offices filled by election or appointment by the Legislature on joint ballot
- c) All persons appointed by name in any statute
- d) All legislative officers and employes
- e) All offices filled by appointment by the Governor either upon or without recommendation by the Senate, except officers and employes in the executive offices
- f) All election offices or heads of any department of the government
- g) Persons employed in or who are seeking to enter the public service as superintendents, principals or teachers in a public school or academy or in a State normal school or college

The classified service includes all other positions.

The unclassified service under the law is not subject to any conditions governing appointment except those which are specifically referred to therein. The classified service, which now includes 15,947 positions, is, under the law, subject to such rules as the State Civil Service Commission shall make in relation to the classification, appointment, promotion and other phases of civil service control.

The classification of the employments of the so-called classified service and the recruiting and controlling of employes placed in the competitive classes represent the primary object of the State Civil Service Commission. The Commission, operating under the existing laws, would be charged with the execution of those functions embraced within the proposed standardization program which relate to

*First.*—The regulation and control of conditions governing appointment to the service.

*Second.*—The regulation and control of conditions governing advancement and promotion within the service.

The constructive idea underlying the first function is to recruit employes for the State service who have demonstrated the highest degree of fitness for the tasks they are to assume; the constructive idea of the second is to secure to those employes an opportunity to work out their careers on the basis of merit and fitness.

An investigation of the content, standard and procedure of the examinations and other practices of the Civil Service Commission has been undertaken by the Committee in order to determine the extent to which adequate and uniform factors of ability, training and experi-

ence have been prescribed by the Civil Service Commission as a basis for entrance into the State civil service.

This investigation is still in progress. The results developed show concretely wherein much of the practice of Civil Service Commissions in the past should be revised in order to install and enforce the standards proposed by the Senate Committee. This investigation will be concluded within the next two weeks and will be the subject of a second report to the Legislature.

This report will be essentially constructive in character, intended to indicate the changes in law and practice necessary to a proper development of civil service control. The findings and recommendations of the Senate Committee will be presented with particular reference to the following and related subjects:

1. Duties and activities of the Civil Service Commission sitting as a board of control
2. Legal classification of State employments and employees
3. System of making appointments to the service
  - (a) Limitations of law
  - (b) Limitations of practice
4. System of making promotions
  - (a) Limitations of law
  - (b) Limitations of practice
5. Preparation and installation of service and efficiency records

## **7. Sample Definitions Framed by Classification Authority<sup>1</sup>**

### **SOCIAL INVESTIGATOR GROUP (F15)**

#### **INVESTIGATIONAL AND EXAMINING SERVICE SOCIAL INVESTIGATOR GROUP**

*Definition.*—The term Social Investigator Group is used to identify those authorized employments of the Investigational and Examining Service, the incumbents of which are required to inspect and investigate public or semi-public, charitable and correctional institutions or agencies, for the purpose of observing and reporting upon the methods of administration and efficiency of service as a basis for administrative control in correcting irregularities in the care, treatment and instruction of inmates and patients, defective conditions of plant and equipment, and related conditions or practices; to assemble, ana-

<sup>1</sup> Extract from *First Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 40," Legislature 1916), pp. 357-61, 364-65.



lyze, interpret and report upon data relating to social problems with special reference to the causes and effect of dependency, defectiveness and delinquency; to investigate conditions affecting the welfare and labor of immigrants and to perform other work for the aid or protection of immigrants in accordance with statutory or departmental regulation.

#### GRADE I (F15 I)

##### *Titles of Positions—*

SOCIAL INVESTIGATOR (INSTITUTION)

SOCIAL INVESTIGATOR (IMMIGRANT LABOR)

##### *Duties—*

SOCIAL INVESTIGATOR (INSTITUTION)

*Definition.*—The duties of incumbents of these positions are to make, under direction, routine inspections or special investigations of State, county and municipal charitable or correctional institutions, and other institutions or agencies of similar character receiving public moneys and private homes where dependent children have been placed, for the purpose of observing, reporting and correcting irregularities in the care and treatment of inmates or patients, methods of instruction, facilities for admission and retention, conditions of plant and equipment and other practices or conditions affecting the health, comfort and training of inmates or patients; to institute, supervise and interpret or to make special psychological and other studies of dependent mental defectives and referred cases; to prepare or assist in the preparation of literature on the causes and effect of dependency and delinquency; and to perform other services of equivalent character and standard. . . .

##### *Qualifications—*

SOCIAL INVESTIGATOR (INSTITUTION)

##### *Persons holding these positions shall have:*

1. Such education as is evidenced by a degree, diploma or certificate granted upon completion of a standard course of instruction in a college of recognized standing, including not less than two years of instruction in sociology and allied subjects; *or*
2. Not less than two years of experience in investigative or institutional work of a character and standard recognized by the State Civil Service Commission as the equivalent of the first qualification.
3. Such additional qualifications as may be required by the State Civil Service Commission. . . .

*Compensation.*—The range of annual compensation of this Grade for full time service is from \$1,080 to \$1,800, inclusive, with standard salary rates as follows: \$1,080, \$1,200, \$1,320, \$1,440, \$1,560, \$1,680, \$1,800.

*Special regulation governing the last two salary rates.*—The last two salary rates, \$1,680 and \$1,800, shall be assigned only to positions involving supervisory or independent responsibility. Such rates shall be designated after individual appraisal, under the rules of the State Civil Service Commission, indicating that the rate so determined does not exceed the value of the work to be performed.

#### GRADE II (F15 II)

##### *Titles of Positions—*

SUPERVISING SOCIAL INVESTIGATOR (INSTITUTION)

CHIEF IMMIGRATION INVESTIGATOR

##### *Duties—*

SUPERVISING SOCIAL INVESTIGATOR (INSTITUTION)

*Definition.*—The duties of the incumbent of this position, which require specialized knowledge of institutional management and procedure and a high degree of executive ability, are to direct and supervise Social Investigators (Institution) of Grade I, to institute and enforce proper methods of inspection, to prepare reports on results of field investigations and other prescribed reports and records, to examine and report on plans for the construction of buildings of charitable institutions and to perform other related duties involved in the supervision of a force of such investigators. . . . .

#### GRADE III (F15 III)

##### *Title of Positions—*

CHIEF SOCIAL INVESTIGATOR (STATE AND ALIEN POOR)

##### *Duties—*

*Definition.*—The duties of the incumbent of this position, which require a high degree of administrative ability and a knowledge of investigational procedure and of the several laws governing charities, correction, immigration and poor persons, are to direct the activities of those units charged with the enforcement of statutory or departmental regulations relative to the above which come within his jurisdiction, to take charge of assigned social investigators and other employes, to collate data from public institutions relative to dependency, defectiveness or delinquency, to supervise the preparation of bulletins and other literature upon social problems, to advise county superin-

tendents of the poor and other public relief officials in the discharge of their statutory duties, to maintain supervision of all State charitable institutions and reformatories and of Indian relief as prescribed by statute, to direct the support and removal of State, alien and non-resident poor, to prepare annual reports of departmental activities, and to perform such other related duties as may be imposed by statute or departmental regulation.

*Qualifications—*

*The person holding this position shall have:*

1. The minimum qualifications prescribed for Supervising Social Investigator (Institution) Grade II.

2. Not less than five years of service as a Supervising Social Investigator (Institution) Grade II, or if appointed otherwise than by promotion from Grade II, at least five years of experience in work of Supervising Social Investigator (Institution) Grade II character and standard, affording opportunity to become familiar with the history of New York State and national charity, departmental procedure and the interpretation and application of the laws governing public relief and related matters.

3. Such additional qualifications as may be required by the State Civil Service Commission.

*Compensation.*—The range of annual compensation of this Grade for full time service is from \$3,600 to \$4,500, inclusive, with standard salary rates as follows: \$3,600, \$3,900, \$4,200, \$4,500.

## 8. In the Absence of True Classification<sup>1</sup>

### CLASSIFICATION OF POSITIONS BY THE COMMISSION

The Constitution provides that "appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive."

Section 12 of the State Civil Service Law provides for the enforcement of this provision. It gives the State Civil Service Commission jurisdiction over all positions in the classified service and empowers it to group, with reference to competitive requirements as the basis for

<sup>1</sup> Extract from *Second Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 29," Legislature 1917, pp. 12-16.

appointment, all such positions within certain legal divisions known as "exempt," "competitive," and "non-competitive."

In section 13 the exempt class is defined. Paragraphs 1, 2 and 3 specifically designate certain officers who are exempt and section 4 adds, "all unskilled laborers and such skilled laborers as are not included in the competitive class and, in addition thereto, there may be included in the exempt class all other subordinate offices for the filling of which competitive or non-competitive examinations may not be found to be practicable." The classification of positions under this provision is one of the most important functions of the Commission as a

TABLE I

	1910	1911	1912	1913	1914	1915	Total
State.....	39	51	48	7	127	270	542
County.....	6	5	11	3	22	23	70
City and village.....	.....	.....	30	1	.....	14	45
Total.....	45	56	89	11	140	307	657

TABLE II

	1910	1911	1912	1913	1914	1915	Total
State.....	28	152	152	84	161	68	645
County.....	25	81	31	16	118	18	289
City and village.....	36	25	2	1	1	.....	65
Total.....	89	258	185	101	280	86	900

board, because it is basic to the enforcement of the constitutional requirement of competition. Tables I-VI show the divergence of opinion of various commissions as to the practicability of holding examinations for positions.

Table I shows, by years, positions which have been transferred from the exempt class to the competitive class by action of the Civil Service Commission in the years specified.

Table II shows, by years, the positions which have been transferred from the competitive class to the exempt class by action of the Civil Service Commission in the years specified.

Table III shows, by years and by class or service, the number of positions which have been transferred from the competitive class to the

exempt class by action of the Civil Service Commission in the years specified.

Table IV shows, by years and by class or service, the number of positions which have been transferred from the exempt class to the competitive class by action of the Civil Service Commission in the years specified.

TABLE III

Services	1910	1911	1912	1913	1914	1915	Total
Managerial.....	7	23	5	11	39	15	100
Clerical.....	5	57	25	34	44	18	183
Professional and scientific....	7	10	30	11	23	18	99
Educational.....	1	.....	1	.....	7	.....	9
Investigational and examining	6	11	78	21	35	6	157
Inspectional.....	1	48	10	4	9	11	83
Institutional.....	.....	3	.....	.....	.....	.....	3
Skilled labor.....	.....	.....	3	1	.....	.....	4
Labor.....	.....	.....	.....	.....	.....	.....	.....
Unclassified.....	1	.....	.....	2	4	.....	7
Total.....	28	152	152	84	161	68	645

TABLE IV

Services	1910	1911	1912	1913	1914	1915	Total
Managerial.....	.....	9	1	3	3	60	76
Clerical.....	9	14	13	.....	25	62	123
Professional and scientific....	6	12	7	2	21	35	83
Educational.....	.....	7	.....	.....	.....	13	20
Investigational and examining	23	.....	15	.....	5	63	106
Inspectional.....	.....	9	11	.....	46	35	101
Institutional.....	.....	.....	.....	.....	12	.....	12
Skilled labor.....	.....	.....	.....	.....	10	.....	10
Labor.....	1	.....	.....	.....	5	.....	6
Unclassified.....	.....	.....	1	2	.....	2	5
Total.....	39	51	48	7	127	270	542

Table V and Table VI show by classes of service and departments the number of positions which have been transferred (1) from the non-competitive and competitive classes to the exempt class [and (2) from the exempt class to the competitive and non-competitive classes] during the years 1910 to 1915, inclusive, by action of the Civil Service Commission.

[This material is supplemented in the text by two tables, showing that out of a total of 645 and 542 positions transferred, the status

of relatively large numbers in various departments were changed at the request of certain officials. For example, the numbers were for the Comptroller 103 and 41; the Conservation Department 79 and 70; the Labor Department 42 and 45; the Tax Department 38 and 40; the Workmen's Compensation Commission in both cases was 65.]

Analysis of these tables shows, not only the extent of this divergence of opinion, but also the apparent tendency to follow the dictates of department heads and political leaders in transferring positions from the competitive to the exempt class for the purpose of removing incumbents who are politically undesirable or in transferring positions from the exempt class to the competitive service in order to protect a desirable incumbent from the adverse action of a later administration. This juggling with the classification by the Civil Service Commission is one of the most serious drawbacks to the operation of the Civil Service Law, because it tends to disrupt the examination system, breaks down the line and opportunity for promotion, makes the tenure of employment uncertain and generally demoralizes the personnel of the service. This Committee believes that the lack of independence on the part of recent Civil Service Commissions created to develop and enforce the merit system is very largely responsible for the attitude which is today generally expressed toward this branch of the government.

### 9. The Importance of Central Control<sup>1</sup>

#### SUGGESTIONS RE ORGANIZATION OF STAFF OF STATE COMMISSION AND ITS CONTACT WITH THE CIVIL SERVICE OF MUNICIPALITIES AND COUNTIES OF THE STATE

From the examination recently made of the municipal commissions and an analysis of their activities, the conclusion is reached that, without exception, no civil service commission of the State is working up to maximum efficiency.

In its *Report* for 1915, the State Civil Service Commission recognizes the necessity for more frequent reviews of the municipal civil service commissions. It calls attention to the fact that the lack of results in the small cities is due to the small amount of work necessary therein and that the work which is done is only perfunctory and suggests an extension of the jurisdiction of the State Commission. The investigations of this Committee show that, taken as a whole, the civil

<sup>1</sup> Extract from *Second Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 29," Legislature 1917), p. 66.

service administration of the municipalities of the State is most inefficiently performed. Either the local commissions should be greatly strengthened and the supervision of the State Commission made much more rigorous, or the whole work should be placed immediately under the control of the State Commission.

In the State of Massachusetts, with a population of over three and one-half millions, and in New Jersey, with a population of upwards of two and one-half millions, all of the civil service administration of the State comes directly within the jurisdiction of the State Commissions. In New York State, the conditions are somewhat different owing to the greater area and to the fact that the greatest centers of population outside of New York City are at the extreme western end of the State.

The best method that has been presented to the Committee for bringing about a more efficient performance of civil service functions throughout the State is a districting of the State, each district to be under the supervision of an examiner of the State Civil Service Commission. This need not apply to cities of the first class, whose civil service functions would not be disturbed. It is likely, also, that an attempt to bring the administration of civil service of the second class cities under direct supervision and control of the State Commission would meet with opposition, although it may be shown, beyond any doubt, that one examiner in a district could easily perform all of the examination work of all the second class cities in any of the proposed districts, besides attending to his other duties. The suggestion, therefore, is to bring under this direct supervision of the State Civil Service Commission the third class cities and the examination work in those counties whose service has been classified.

#### 10. Basic Principles of Classification<sup>1</sup>

##### TITLES

The titles in the specifications are used officially to designate the grade or rank and the relative importance of the various positions. They have been chosen as descriptive of the duties performed in general. Wherever present titles are descriptive, they have been incorporated in the specifications, but the use of such general or non-descriptive terms as "expert," "agent," etc., have so far as possible been eliminated.

<sup>1</sup> Extract from Massachusetts Council, *Report of the Special Committee of the Executive Council on the Standardization of Salaries in the State Service* ("House Document No. 1175," 1918), pp. 23-27, 59-63.

The intent has been to make the titles as broad as possible, and thus provide elasticity for the administrator in the assignment of duties, provided the work so assigned is reasonably consistent with the salary grade.

It is not necessary to eliminate the use of office titles, such as engrossing clerk, ledger clerk, etc., which may serve an important inter-departmental purpose; but for purposes of work control and pay roll audit the titles should generally conform to the specifications.

#### QUALIFICATIONS

Certain qualifications are established as minimum or basic requirements. They are not so exact that they will prevent any competent employee from entering the service. Their purpose is to establish a standard which the State can reasonably expect to have fulfilled. They are intended to be a safeguard against the incompetent. In no instance are they inconsistent with any qualifications that are already established by statute or civil service rules and regulations.

#### DUTIES

The grade limits are defined in terms of the duties performed therein, inasmuch as titles can naturally be designated as descriptive only when the scope of duties for positions are well defined, and salary rates can be fixed only when the responsibilities of a given position have been established. It is not intended, however, by thus defining the duties performed, to in any way limit the powers of the department heads in assigning work to employees. This is a purely administrative function. The amount of compensation to be paid, nevertheless, can be determined only by having a standard describing the grade of work, and, in a general and flexible way, the duties involved.

#### SALARY RATES

The salary rates in this *Report* have been established solely upon the basis of the duties and responsibilities as defined in the specifications for each grade of work.

In determining these, due consideration has been given to the market value of the work performed, and also special consideration has been given to each group in its relation to the service of the Commonwealth.

In order to determine market values of labor, comparisons have been made with the rates paid for similar work in private practice, in-



cluding quasi-public and public-service corporations in Massachusetts and other States where the standards of living are comparable; with the rates paid for similar service in other State governments, large municipalities and the national government; and with the rates established in closely related groups of employment in our own State service. In this connection conferences have been held with department heads to ascertain whether or not the State was obtaining desirable recruits and satisfactory service.

The theory for establishing salary ranges in the specifications has been that a position cannot properly be measured by one salary rate. By having a range of salary rates, opportunities are afforded for advancement within a grade—seniority can be rewarded and recognition given to the character and efficiency of the individual employee. At the same time the department head is permitted powers for wholesome discrimination.

The annual salary rates in the specifications are in general divisible by 12 for purposes of uniformity in auditing. Wherever weekly or daily rates are more practical or expedient for the needs of the service, rates on this basis are recommended. The advancement rates are made proportional to the principal salary rates on the assumption that advancements which represent compensation for services of extra merit or for seniority should be proportional to the caliber and relative importance of the service rendered. The advancement rates are approximately 10 per cent of the annual salary rate. This scale does not apply to the institutional service, however, nor to the other service *in toto*.

Salary standardization has no bearing upon the problem of the Civil Service Commission, except that the classification of positions for salary standardization purposes should be identical, in so far as grades and titles are defined, with the classification used by the Civil Service Commission for recruiting and promoting within the classified service. Salary standardization applies to all positions, regardless of their legal classes.

It is assumed that employees when entering the service, whether by means of a civil service list or by direct appointment, shall generally begin at the lowest salary rate within a grade; and that advancements will occur at specified periods, usually the beginning of the fiscal year. If impossible to secure employees at the lowest rate, the second or third rates within the salary range may be paid for the good of the service.

This should be carefully watched, however, for salary standardiza-

tion as a general rule can be effective only by requiring entrance at uniform rates. In all instances, the entrance rate is believed to be sufficient to attract qualified employees.

The specifications have been written and the salaries established on the basis of "full-time service," meaning fifty-two weeks in a year, less vacations,—each week consisting of six days of active duty, and each day to consist of the regulation number of hours in the case of office and trade workers.

While certain positions in the public service approach a condition bordering on undesirability as compared with private employment,—by reason of uncertainty of advancement, tenure, promotion and political considerations,—yet it should be borne in mind in establishing salaries that the great majority of State positions are more desirable than similar positions in private life, giving steady employment, with no loss of time such as is experienced by industrial workers; and the committee believes this should be quite a factor in determining salaries for these positions.

The questionnaires show that the daily and weekly working time of the departmental employees in a large percentage of cases falls below a normal day's work. These employees generally work only thirty-eight hours per week,—from 9 A.M. to 5 P.M. five days a week and from 9 A.M. to 12 M. Saturdays—a total of forty-three hours; but as the luncheon hour for five days per week is included as working time, the actual number of hours is forty-three, less five hours for meals, or thirty-eight hours. Such a condition of low working time efficiency is a reflection on the Commonwealth and an unwarranted burden on the taxpayers of the State. Mollycoddling of employees to such an extent can only tend to lower the business morale of these same employees, even though it raises the popularity of department heads at the expense of the Commonwealth. It is recommended that the office hours of labor in the departmental service be standardized.

#### ADVANCEMENT—PROMOTION

The terms "advancement" and "promotion" as used in the specifications are not synonymous. Advancement is considered to mean an increase from one salary rate to another within a grade, and does not necessarily involve a change of duties. Promotion is considered to mean an increase in salary from one grade to a higher grade, and to involve a change of duties to a position of larger responsibility, and can be secured only when vacancies occur in a higher grade or when new

positions of importance are created opening up direct lines of promotion. For the positions classified by the Civil Service Commission it is intended that the approval for promotion be obtained from the commission in accordance with its present rules and regulations. Except in extraordinary instances it is proposed that the salary rates resulting from promotion from grade to grade be dependent upon a sufficient length of service in the lower grades.

#### VACATIONS, DEPARTMENTAL

The result of inquiries conducted in other States and among private firms shows that there is no uniformity among States, and frequently among departments within a given State, as to the length of the vacation period, it varying from two weeks in 21 States reported to four weeks in 7 States. Among private firms the procedure is found to be equally varied, though practically all of the States have as a basis a vacation period of two weeks, which has been extended to three or four weeks sometimes after a considerable period of service. In our own State service there is a great variance among departments: 3 allow thirty-one days; 8 allow one month; 7 allow four weeks; 3 give thirty days; 5 give twenty-eight days; 2 allow twenty-two days; 3 allow three weeks; 1 gives eighteen days; and 1 gives two weeks. In practically all instances the clerical force, however, receives a month, while the field force is generally given an indefinite period, as the work permits.

The method of fixing this vacation period also varies greatly among the States. Of those reported, in 19 the department head determines this matter; in 10 it is fixed by law; in 12 it is fixed by custom; in 1 by civil service rules. In Massachusetts the length of the vacation period is determined by the departmental heads.

The total vacation expense for 1916 was approximately \$246,436, representing 40 departments and not including the institutional service. Of these departments 30 have a four-week period, so that the cost to these 30 departments would be \$184,827 for four weeks; and the sum of \$92,413 would be saved in these 30 departments by halving the vacation period. The total saving would undoubtedly be approximately \$100,000 yearly in the departmental service.

It is strongly felt that a vacation period of one month is excessive and unnecessary, and constitutes a drain of large proportions upon the State treasury, necessitating also in most instances the employment of extra temporary help through the summer and consequent inefficiency in the conduct of State business.

The committee recommends that a statute be enacted definitely fixing fourteen working days as the yearly vacation period for all State employees outside the institutional service. . . .

#### CONCLUSION

Special interest was shown in the standardization problem in 1916, first, because attention was called to the subject specifically by Governor McCall; and secondly, because the continual demands for salary increases had become extremely burdensome to the Council and the Legislature. Nowhere was there to be obtained proper and adequate information upon which to form logical conclusions or appraisals of the various positions in the service in making the required adjustments. Many employees were the innocent victims of this lack of information and proper appraisal of their work; and some departments—notably the institutions and normal schools—were seriously handicapped and in danger of losing efficient administrators. Some action therefore seemed imperative to correct these conditions.

The experience of other States and cities has shown that a solution of these difficulties can be found in a system of salary standardization, and it is strongly urged by the committee that Massachusetts no longer lag behind in the efficient and systematic regulation of personal service.

The States of Ohio, Illinois, Wisconsin and New York (in part) have established a plan for salary standardization based upon scientific classification. The cities of Pittsburg, Milwaukee, Minneapolis, Los Angeles, Portland and Dallas have likewise adopted such a plan, and the national government is now conducting a study for the purpose of bringing about a standardization of the government employees in the District of Columbia.

In developing a standardization plan for our State service, three broad results have been sought by the committee, namely, a business-like procedure; sufficient flexibility for practical and effective management by departmental and institutional heads, subject to supervision by higher authority; and a broader recognition of the human element in the matter of employment, assuring an enlarged opportunity for the individual employee in the public service.

Notwithstanding the fact that it appears to the committee that certain employees are now overpaid, it is felt that it would not be policy at this time, owing in large measure to abnormal economic conditions, to bring about any reduction in the salary of present employees; and practically none of the present incumbents of State positions

would suffer reduction from the adoption of the proposed standardization.

There has been no attempt to include in this classification the administrative heads of departments, boards and commissions throughout the State service, one reason being that the committee has been unable to obtain data sufficiently specific and similar to admit of a comparison with the work of administrators in other States in any particular line, owing to the great divergence in methods of handling governmental business among States. Without such a basis it is extremely difficult to make a comparative schedule or classification. Further than this, the salaries of practically all these officials are fixed by legislative enactment, subject to the Governor's approval or veto. . . .

Any classification to meet adequately the requirements, must be broad and of considerate flexibility, and must be subject to control by more than one authority. The system here outlined, it is believed, possesses these characteristics. The schedule of salary ranges shown is based upon the specifications mentioned, which have been drawn with great care and present the requisite flexibility to constitute a practical working classification embracing all positions in the service. By following in general the standards thus established, the heads of departments may act wisely and speedily in dealing with the many details of compensation connected with personal service; and the Council and Legislature will have available at all times information necessary for the preparation of a scientific budget relating to this subject. . . .

The ranges of salaries in the specifications are recommended as just and adequate; and present employees can readily be classified under the titles suggested. From time to time, as conditions change, it will undoubtedly be necessary to make some changes in these specifications. Economic conditions may require revision of some salary ranges; new positions which may not fall within this classification will undoubtedly be created; it may be necessary to change some of the titles; and experience may show that the qualifications should in a given instance be more strict or more lenient. But these are mere matters of detail. Standardization would be a failure were the specifications on which the classification is based not flexible and subject to reasonable change when required. Such changes, however, should be made only after careful consideration and proper cause shown. . . .

The business of the Commonwealth should be regarded as akin to that of a large corporation, with the Governor as the president, the Lieutenant-Governor as the vice-president, and the Executive Coun-

cil as a board of directors or executive board; and it is felt that greater supervisory powers should be given this branch of the State government. Under the present system the Governor and Council, after having approved the salary of any State official or employee, has no further control over him or the head of his department as regards ability to regulate either his working time, duties or vacation periods. We believe this condition should not continue to exist, but rather that in a broad and general way the Governor and Council should have supervision over all these matters. We recommend therefore that the broadest possible supervisory powers be conferred upon the Governor and Council in connection with the personal service regulation of the Commonwealth.

## **II. Classification and the Federal Civil Service<sup>1</sup>**

### **SUMMARY OF FINDINGS**

The facts found by the Commission in its investigation "of the rates of compensation paid to civilian employees" and its parallel study of working conditions and employment policies and practices, are briefly summarized in the following statement. These findings are more fully stated and discussed in Chapters II, IV, and V of this *Report*.

As to the lack of uniformity and equity in present rates, the commission finds:

1. That the salary and wage rates for positions involving like duties and responsibilities and calling for the same qualifications (that is, for positions of the same class) show wide variations and marked inequalities.

2. That the salary and wage rates for positions of the same class are different in different departments and independent establishments, the scale of pay in some departments being markedly higher than the scale for the same class of work in other departments

3. That these inequalities in salary and wage scales as between departments are most striking when the rates of pay in the war-ex-

<sup>1</sup> Extract from *Report of the Congressional Joint Commission on Reclassification of Salaries, March 12, 1920* ("House Document No. 686," U. S. Sixty-sixth Congress, 2d sess.), pp. 18-27. See the "Sterling-Lehlbach" Act of 1923 creating the Personnel Classification Board (42 U. S. Statutes at Large, Pt. I, chap. 265) and the Lehlbach Bill (H R. 350) of 1926, proposing to place the Classification Board under the U. S. Civil Service Commission.

panded establishments are contrasted with those in the organizations that were not largely increased during the war.

4. That the present system of paying bonuses tends to increase the inequality in salary and wage rates for positions of the same class.

5. That rates of compensation in the Government service as a whole have not increased as rapidly as has the cost of living.

6. That the amounts of recent increases in rates of pay in the Government service have varied greatly (a) as between classes of employment and (b) as between departments.

As to the causes that have led, and unless remedied will continue to lead, to this lack of uniformity and equity the Commission finds:

7. That the Government has no standard to guide it in fixing the pay of its employees and no working plan for relating the salaries appropriated to the character and importance of the work for which such salaries are to be paid, and that the designations of positions now appearing in the Book of Estimates are inaccurate and misleading.

8. That there is a large number of unnecessary titles of positions contained in the Book of Estimates upon which appropriations are based, due to the lack of definition of duties of positions, that this is a factor in causing lack of uniformity in rates of pay, and that this number can be materially reduced.

9. That the lack of standardization in rates of pay may be largely accounted for by the unrestricted freedom allowed in the administration of lump-sum appropriations and the rigidity of the present system of statutory appropriations.

10. That the present method of fixing the salaries of employees upon their entrance into the service leads to inequality in the rates of pay for the same class of work at the very start.

11. That the absence of any uniform plan or system for regulating increases in the pay of employees who have gained in experience and usefulness in a given class of work and the even more serious lack of any equitable system governing promotions from lower to higher classes of positions have been very large factors in causing the disproportion in pay and work.

As to the effect of the lack of uniformity and equity in rates of compensation of Government employees, the Commission reports:

12. That there is serious discontent accompanied by an excessive turnover and loss among the best trained and most efficient employees, that the morale of the personnel has been impaired, that the national service has become unattractive to a desirable type of technical em-

ployee, and that the Government has put itself in the position of wasting funds on the one hand and doing serious injustice to individuals on the other, and of failing to get that degree of efficiency in administration that a more equitable and uniform wage policy would bring about.

13. That seven hours constitute a normal day's work for the clerical and professional groups of employees and eight hours for the manual; and there is no uniformity of practice in the compensation for overtime and night work.

14. That employees, on the average, receive nearly the full 30 days' annual leave allowed by law; but that only about 3 per cent of the employees take the full 30 days' sick leave allowed by law, that nearly 50 per cent of the employees take no sick leave, and that certain groups of employees receive no sick leave.

15. That Government employees enjoy greater permanency and security of tenure than employees in industrial or commercial establishments.

16. That opportunities for advancement, either in salary or rank, for those of marked efficiency do not compare favorably with the opportunities offered to persons of the same ability in the commercial world. In the opportunity for development of professional or scientific careers, the Government service has in many ways a distinct advantage, which is, however, offset to some extent by certain personal restrictions generally unknown in the academic and business world.

17. That Government buildings in Washington are generally clean and well kept, with sufficient toilet and washing facilities, but that as regards such important matters as working space, illumination, ventilation, rest rooms, and medical and surgical emergency relief there is neither adequate provision nor accepted standard.

18. That the Government is paying heavily in the form of employees' compensation, as well as in loss of time and efficiency, for its failure to adopt a thoroughgoing safety program. In safe construction, safety inspection, and safety education the Government falls far short of meeting the standards set by the more progressive States, municipalities, and private employers.

As to those policies and measures that control the Government's return in efficient personal service, the Commission finds:

19. That various governmental establishments show a lack of co-ordination within and between various units, resulting in apparent duplication of work and supernumerary employees.

20. That the Civil Service Commission has pursued a progressive



policy in the selection of employees, but that lack of funds hinders further perfection of examination methods; that the probationary period is not used effectively as an integral part of the process of selection.

21. That there is no systematic policy of introducing new appointees to their work nor of training them for new duties, although certain progressive governmental organizations are proving the feasibility and value of such training.

22. That in spite of the necessity of some satisfactory method of testing efficiency as a basis for salary increases and promotions, efficiency-rating systems are not in general use, and where they have been adopted are commonly regarded as of questionable value.

23. That no uniform practice exists in the advancement of efficient employees in either salary or rank, both of which are commonly referred to as "promotion"; that salary advancements proper are controlled by administrative officers while true promotions are usually made as the result of noncompetitive examinations; and that lack of assurance that efficient work will receive suitable reward injures the morale and reduces the efficiency of the entire service.

24. That the Government's failure to adopt a retirement system for civilian employees has proved costly, inefficient, and destructive to the morale of the force.

25. That present restrictions on transfers tend to make the service immobile to the detriment of both the employees and the Government; and that no attempt is made to handle, by transfers, the problem of seasonal work in the various departments.

26. That there is a striking lack of any comprehensive personnel policy administered by a central personnel agency and having in view increased efficiency through standardizing and supervising the various conditions of employment and through enlisting the co-operation of the employees.

#### SUMMARY OF RECOMMENDATIONS

The Commission makes the following recommendations, in the confident belief that their adoption will bring about and hereafter maintain conditions of "uniform and equitable pay for the same character of employment," and will secure for the Government the maximum return in loyal and efficient personal service for the compensation paid.

For the immediate attainment of uniformity and equity in pay for the same character of employment the Commission recommends:

1. That the Congress adopt the classification of positions set forth.
2. That the Congress adopt the schedule of compensation set forth for the respective classes of positions.
3. That the Congress authorize the Civil Service Commission to take over the Reclassification Commission's records and keep them current, pending action on the above recommendations.
4. That the Congress direct an existing agency (hereinafter referred to as the "Classification Agency"), logically and preferably the Civil Service Commission, to make a final allocation of individual positions to the classes set forth in the recommended plan of classification.
5. That the Congress authorize and provide for the adjustment of the rates of pay of individual positions and employees to bring them, beginning July 1, 1920, into conformity with the schedules of compensation prescribed for the respective classes into which the respective positions have been classified.

For the future maintenance of uniformity and equity in pay the Commission recommends:

6. That permanent administration of the classification and schedules of compensation be delegated by law to an existing independent agency of the Government (to be termed hereinafter the "Classification Agency"), logically and preferably the Civil Service Commission.
7. That the Classification Agency periodically recommend to the Congress additions to, or amendments of, the classification.
8. That the Classification Agency recommend to the Congress new schedules of compensation for new classes of positions, or changes, if deemed desirable, in the established schedules for existing classes, recommended schedules for new classes to apply until acted upon by the Congress and then to become effective in the form approved by the Congress.
9. That new or additional positions that it is proposed to create be first classified by the Classification Agency.
10. That estimates, appropriations, and payments for personal services be made under the title of the class and in accordance with the schedule of pay applying to the class which the Classification Agency certifies as applicable to the position in which such services are to be or have been rendered.
11. That the pay of individual employees be regulated on a basis of efficiency and length of service in the class in which their respective positions are classified, according to the schedule of compensation applying to the class.

For the attainment of uniformity in the regulation of all factors having an indirect bearing on rates of pay and for the improvement and standardization of working conditions, the commission recommends:

12. That the Classification Agency recommend to the Congress from time to time those measures that it deems necessary to the improvement and the standardization of working conditions and terms of employment.

13. That the Congress prescribe standard minimum working hours for each group of employees, together with uniform rules for the compensation of overtime work for those employees for whom the compensation schedules provide for pay at an hourly rate, and for additional compensation for all night work.

14. That the Congress provide that after January 1, 1921, (a) all employees be granted annual leave at the rate of  $2\frac{1}{2}$  days per month, not to be taken until earned, and not more than 30 days to be taken in any one calendar year; and (b) that all employees be granted sick leave at the rate of 10 days per year, not more than 60 days to be taken in any one calendar year.

For the securing of the maximum return in efficient personal service for the Government's pay-roll expenditures the Commission recommends:

15. That the Congress undertake a systematic examination of the functions now being exercised, the organization now in effect, and the methods of procedure in use in the several departments and independent establishments making up the Washington Service, in order that unnecessary work, duplicated work, improperly allocated work, instances of poor organization, and expensive or inefficient methods of conducting business may be discovered and eliminated.

16. That the Congress provide for a comprehensive and uniform employment policy to be administered by a central personnel agency, logically and preferably the Civil Service Commission, and to include the standardization of rates of compensation and working conditions and the selection, development, and retention of an efficient personnel; and that an advisory council be established to advise the Civil Service Commission on matters coming under the jurisdiction of the latter, and to arrange for the formation of personnel committees in the various departments.

17. (a) That all positions hereafter be filled by the appointment of those best fitted to perform the duties as determined by the central

personnel agency through the most effective methods of test and investigation; and (b) that no permanent appointment to the service be made except on certificate by the central personnel agency that the employee has satisfactorily passed his probationary period.

18. That the central personnel agency be empowered to undertake, in co-operation with the departments, measures for the training of employees for increased usefulness in the service.

19. That the central personnel agency be authorized and directed, after consultation with the heads of departments, to arrange for the installation of efficiency rating systems in the various Government establishments; and that the appropriate administrative officers be required to rate all employees under their direction in accordance with these systems and under such rules and regulations as the central personnel agency may prescribe.

20. That hereafter employees be increased in pay not oftener than once a year and only within the limits of the ranges set for their class of positions and on the basis of ascertained efficiency of the required standard, to be set by the central personnel agency; and that failure to maintain such standard after advancement to a given rate shall subject the employee to reduction to a lower salary rate in the same class.

21. That when vacancies in the higher classes are not filled by transfer or reinstatement they be filled by promotion of properly qualified employees as determined by competitive civil service examination; and that open competitive examinations for the filling of such vacancies be held only when three such eligibles cannot be secured from those already in the service.

22. That employees who fail to attain a fair standard of efficiency as prescribed by the central personnel agency be removed from the service, after suitable opportunity for appeal to the personnel agency.

23. That employees who by reason of their age or disability resulting from their service, are unable to render service of a fair standard of efficiency be retired under an actuarially sound pension plan.

24. That transfers, layoffs, reinstatements, demotions, dismissals, suspensions, and other employment processes be regulated in accordance with a uniform employment policy and in conformity with the spirit of the above recommendations; and that employees have the right to appeal to the central personnel agency in all matters coming under its jurisdiction.

## SUMMARY OF BENEFITS

The Commission is firmly of the opinion that the adoption of the classification of positions and the uniform schedules of pay recommended in this *Report*, and of the proposed plan for the future administration of this classification and these schedules, will bring about the following benefits to the Congress, the departments, the employees, and the public at large.

The *Congress* will secure:

A sound and practical working basis for arriving at the proper rates of compensation in appropriations for personal services.

The assurance that on this basis salaries and wages will be appropriated at the same rate for the same work in all departments and at all times.

A means of controlling expenditures for personal services paid from lump-sum appropriations or contingent funds, and of bringing them into conformity with the basis observed in itemized appropriations.

The assurance that on this basis the salaries appropriated for positions of different classes will have the equitable relationship that is called for by the difference in the values of the work involved in the respective classes.

The further assurance that the salaries appropriated on this basis will be fair to the employee and to the public as the taxpayer.

A method of adjusting salary scales from time to time, as required and justified by changes in economic conditions, in such a way as to permit of discriminating application of increases or decreases which will take into account the relative requirements of the several kinds of employment (as against the arbitrary spreading of bonuses, increases, or reductions over deserving and undeserving classes), and which will not affect the relative status of employees in the same class.

Assistance in the consideration of estimates through the common use by all departments of a specific and uniform terminology for classes of positions, i.e., kinds of personal service.

A means, through this descriptive system of nomenclature, of comparing the organization requirements of different departments and of the same department at different periods.

Relief from the pressure of special requests for changes in the salary appropriations for individual positions or employees or for special groups or departments.

The *departments* will secure:

The immediate relief, so vital to the holding together of the experienced departmental organizations, that will come from the adoption of revised salary scales for specialized workers (particularly scientific and technical employees).

Permanent relief from the confusion resulting from the variations in salary scales for the same work in different departments, with the consequent tendency toward interdepartmental competition.

A means of expressing their exact organization needs to the appropriating body—the Congress—and the recruiting body—the Civil Service Commission.

All of the direct and indirect benefits that will come from a fair and business-like wage policy and a contented personnel.

The *employees* will secure:

Immediate relief in cases where they are now inadequately paid.

Uniform justice in the relation between the compensation they receive and the value of their work.

The assurance that all other employees of the Government engaged in the same work are being treated in the same way.

The assurance that adjustments of pay in the future will have reference to changes in living costs.

The incentive to effort that comes from knowledge of an assured reward for successful accomplishment—advance in pay for increased usefulness in the same class of work and higher compensation upon promotion to a higher grade of work.

The *public* will secure:

The assurance that its Government aims to be a model employer, and to pay each employee in proportion to the value of the work required of him.

The Commission further submits that many additional benefits in addition to those enumerated above will accrue from the adoption of its general recommendations for a comprehensive and centrally administered employment policy (see Recommendations 16 to 24 in the foregoing tabulation). It believes that the standardization of working conditions that will result will be second only to the standardization of pay in its good results. It is convinced that the personnel policies proposed will insure to the Government a maximum return in loyal and efficient service for its pay-roll expenditures and will make the public service attractive as offering real opportunity for a worth-while career.

## SECTION VI

### INTRODUCTORY NOTE

It has been pointed out that the movement toward the establishment of central authorities in the field of charities and correction was a steady and fairly rapid movement. When in 1913 the United States Bureau of the Census published a *Summary of State Laws Relating to the Dependent Classes*, there were only ten states in which some kind of state authority had not been set up.<sup>1</sup> At that time there were twenty-one states in which unsalaried boards of a supervisory character still existed, nine in which salaried boards of control had replaced the trustees of state institutions, and five in which there were two state boards: one salaried replacing the trustees of state institutions, one unsalaried and supervisory. In three the authority was single, either a commissioner of charities as in New Jersey or Oklahoma or an inspector as in Alabama.<sup>2</sup> In these three, the separate boards of trustees of institutions still functioned, of course.

During the period when these questions of organization were being discussed, there had been developed in the United States a sufficient interest in rescuing the civil service from the spoilsmen to secure the enactment of the federal Civil Service Law and laws on the subject in ten states. The Illinois law was especially fostered by the Illinois Board of Charities, and in fact the first act (1905) applied only to state charitable institutions.<sup>3</sup>

There was during this period also considerable discussion of the processes connected with the purchasing of the great volumes of goods necessary for the care of the patients in institutions. And in the opening years of the decade 1910-20 there were the beginnings of a series

<sup>1</sup> Note should be taken of the fact that while none of these authorities has been abolished by statute except in those states referred to below (Part III, Sec. I) in which the government has been departmentalized, in two states, Colorado and California, under the plea of economy the appropriation for the work of the authority has been vetoed: California in 1923, in Colorado in 1925.

<sup>2</sup> Reference to this compilation was made above in the Introductory Note of Part II, Sec. I and will again be made in Part III, Sec. I.

<sup>3</sup> See above, Part II, Sec. IV, Document 6.

of commissions on economy and efficiency,<sup>1</sup> there was constant pressure toward the establishment of a budget system in the states,<sup>2</sup> and there developed a movement, in which Illinois led off in 1917, toward the "codification" of the laws governing administrative relationships.<sup>3</sup>

In the field of public welfare, as in other fields of social relationship, the art of consumption, the art of spending, is a belated art. As in business, industry, domestic economy, such development of cost accounting as has occurred is very recent, and, in many jurisdictions, either has not developed or is greatly hampered by the domination of partisan political motives. The lack of a widely recognized pattern for reports and accounts makes it not only possible but easy for the corrupt or the incompetent official to conceal or disguise his misuse of public funds. In 1901 and the years immediately following, the Board of Trustees<sup>4</sup> of the Kankakee Hospital, for example, was able by a transfer of certain items from the category of "ordinary" to that of "extraordinary" expenditures to conceal many facts connected with the use of the institution funds which were afterward uncovered by a special investigation. But even when there is present neither incompetence nor corrupt motive, the question as to what is sound economy and whether the state can practice sound economy still remains. There is still the widespread confusion of economy with parsimony. Persons of recognized intelligence confuse these issues,<sup>5</sup> and it is not surprising

<sup>1</sup> For discussion of this movement, see Arthur E. Buck, *Administrative Consolidation in State Governments*; Leonard D. White, *Introduction to the Study of Public Administration*.

<sup>2</sup> See *Annals of the American Academy of Political and Social Science*, Vol. LXII (November, 1915), and also *ibid.*, Vol. CXIII (May, 1924). There is now legislation on the subject in every state. See C. W. Hunt, "Developing Budgetary Control in Relation to the State Institutions of Pennsylvania," *ibid.*, p. 120.

<sup>3</sup> See below, Part III, Sec. I.

<sup>4</sup> Mildred E. Buck, *The Illinois Eastern State Hospital for the Insane (Kankakee State Hospital), 1877-1909* (Master's thesis, Graduate School of Social Service Administration, University of Chicago, 1920), pp. 121 ff.

<sup>5</sup> In the discussion in *Social Forces* II, 379, of the question of the proposed federal Department of Public Welfare, one distinguished public official asks the question as to whether or not our federal tax bill is not high enough, as though the amount of the bill could be considered independent of the question of what one gets for the taxes. Even he would probably be willing to have his tax bill increased if by doing so the lives of mothers in child-birth or of infants could be given a new security. The following statement points out something of the same difficulty:

"It is difficult to see, for example, how taxes expended for the care of defectives and delinquents are not a burden. Similarly, many of the expenditures and conse-



if legislators, who often come from homes and communities in which the general standard of living and expenditure is, because of the industrial or commercial organization, below the level of true economy, making impossible right housing, adequate schooling, or necessary recreational opportunity, are unable to formulate sound standards of care for the "wards of the state."

There is, also, lacking a unit of service which can be easily indicated as to its content and appropriate cost. In the matter of institutional care for the insane, for example, while a dietetic<sup>1</sup> standard was worked out and adopted by the New York authorities in 1897-98 and has been taken over with modifications by other state authorities, there is lacking a definite expression covering space, comfort, care, treatment, location, and cost. Obviously the age of the institution and the question as to the completeness with which it is being used will affect the cost. Uniform records, accurately kept, carefully analyzed, honestly interpreted, and widely published, are the only basis for the progressive development of a sound economy. Few annual reports of public-welfare authorities fulfil these requirements. When all the other qualifications for supplying such records may be present, the interests of the party in power, or the parsimonious denial of adequate clerical help, or the inadequate organization of the State Printer's Office giving rise to serious delay, any or all of these obstacles, may prevent the assembling for the legislature or the public of the facts necessary to positive judgment.

quently taxes made in behalf of education are certainly a burden. Not that such expenditures are unwise; they may be not only socially desirable in themselves, but if the community can afford them should be made. This, however, is not the question. The question is whether or not such expenditures and the taxes caused by them are burdenless. The report assumes that these expenditures must be made by private individuals if they are not made by the government. Even if this assumption were correct, unless the government can furnish the service more efficiently and consequently at less cost than it could be obtained otherwise, such expense would involve an added burden. The truth is, however, that unless the government furnished many of the services that it does provide, many individuals would go without them. The government in taxing the people to provide these services in such cases adds to the burden of taxes, even although as stated above such increased burden may be socially justifiable."—Henry F. Walradt, "State Expenditures, Tax Burden and Wealth: A Review of the Report of the New York Committee on Taxation and Retrenchment," *National Municipal Review*, XV (1926), 545.

<sup>1</sup> See *Tenth Annual Report of the New York State Commission in Lunacy* (1897-98), Vol. I, p. 30; see also chap. v, "Preliminary Report on Dietaries for Hospitals for the Insane," by W. O. Atwater.

Certain devices for economy in practice have gained wide acceptance. As has been pointed out, the argument for the abolition of the trustees and the substitution of the Central Board of Administration rested largely on the claim to economy, especially in the centralization of the purchasing function.<sup>1</sup> The plan worked out under the Illinois scheme and widely followed is set out in Document 7.<sup>2</sup> The logical corollary to such a scheme as this is the setting up of a special department of economy and purchasing.<sup>3</sup> The absence of convincing data is illustrated by the Utah experience in creating such a department, which claimed to bring about large economies but failed to secure the continued support of the legislature.<sup>4</sup>

The lack of definite facts to which appeal may be made in support of one or another policy is especially disastrous in the field of public service. Since there are at hand no facts recognized as conclusive, a governor can under the plea of economy justify himself in interrupting by his veto the work of agencies which represent the labor and effort of years, or which after a period of necessary experimentation and pioneering are about to enter into the full expression of their power. To be sure, the plea is not always the basis of partisan success. The community may reject the program, but after the damage of crippled activity and interrupted service has been accomplished.

It is of interest, for example, that in each of two states in which under the guise of economy the public-welfare authorities have recently been attacked and disorganized, namely, Colorado and California, the governor who had based his claims to support on this destructive treatment of welfare agencies was rejected by the people of his state;<sup>5</sup>

<sup>1</sup> For Mr. Wright's discussion of the effectiveness of these administrative arrangements, see above, Part II, Sec. III, Document 8.

<sup>2</sup> See Part III, Sec. I, Document 3, for Mr. Wright's comment on the later Illinois plan.

<sup>3</sup> Centralized purchasing is said to be operating in twenty-seven American states, as many counties, and seventy-three cities. Besides the twenty-seven states with authorities for centralized buying, eight others maintain an institution in limited form. See Milton Conover, *American Political Science Review*, XIX (1923), 73.

<sup>4</sup> Document 9.

<sup>5</sup> Governor Morley, of Colorado, and Governor Richardson, of California. Governor Morley did not offer himself for renomination, and Governor Richardson after a vigorous campaign was defeated in the primary. It might, therefore, be argued that their policy could be reversed, and the agencies again find their opportunity. This is, however, quite impossible with the scattered personnel and the lack

but if the work that was overthrown was socially useful, its interruption is a catastrophe.

In this section, then, will be found references to the mistaken ideas of economy that prevailed<sup>1</sup> and still frequently prevail among legislators, the evidences of needed improvements in methods of public purchasing and the methods adopted in some jurisdictions,<sup>2</sup> the development of the budget system, and a comment on the relation between the welfare department and other departments having to do with the expenditures for welfare purposes. It is to be hoped that in the future careful studies in cost and in services may be made, throwing light on the possible formulation of a unit of care.

Another question frequently discussed is the extent to which the "pay as you go" system or the "pay as you benefit" system of payments should prevail: that is, should all costs be met out of current income or should bonds be issued for permanent improvements?<sup>3</sup> This question becomes of great importance in the welfare field because of the very great cost of the buildings.

The movement of civil-service reform was largely a movement for "keeping the rascals out." The movement for central purchasing was largely a movement for the prevention of dishonest practices.<sup>4</sup> The movement for budget reform was a movement to replace planless conduct of public affairs by forethought and positive adjustment of means to ends. A budget has been defined as a complete financial plan for a definite period based on a careful estimate of the expenditures and the probable income. There must be not only uniform but intelligent accounting, and the accounts must be critically scrutinized. There have been three main types of budget procedure worked out: (1) the executive, when the chief executive is responsible (this was illustrated by Illinois and by twenty-four other states);<sup>5</sup> (2) the board type found

of assured and continuous support. Episodes like these point to the very great confusion still existing as to the true character of these services and point to the need of increased effort in the direction of general information and education.

<sup>1</sup> Documents 1, 2, and 3.

<sup>2</sup> Documents 7 and 9.

<sup>3</sup> *National Municipal Review*, XIII, 335, Cummin; p. 430, Zukerman; pp. 441, 497. See also *ibid.*, XV, 280. The interesting view is set forth that decreased reliance on the "pay as you benefit" system, an increased use of current income in meeting the cost of permanent improvements, is one cause of the increase in the cost of state government.

<sup>4</sup> See Document 7.

<sup>5</sup> In 1924, when A. E. Buck wrote.

in Michigan and twenty-one other states; and (3) the legislative type represented by Arkansas.<sup>1</sup>

The economy and efficiency movement emphasized the importance of reduction in the number of authorities and especially in the reorganization of the state government, either really as in Illinois<sup>2</sup> and Massachusetts<sup>3</sup> or apparently as in Nebraska,<sup>4</sup> in the creation of a system of departments not unlike the arrangement of departments in the federal system.<sup>5</sup>

In planning such reorganization, the Department of Public Welfare is always included among the departments to be recognized as essential. But the question arises as to its scope, whether or not under its organization are to be included not only the old "charitable field of activities" concerned with the relief of the adult destitute and with children but the "mental diseases" and "corrections" as well. It will be noted that although the Illinois Committee on Efficiency and Economy did not recommend the consolidation of the correctional organization with that of public charities,<sup>6</sup> the Civil Administrative Code placed for the first time all activities connected with the care of convicted persons in the Department of Public Welfare, while in Massachusetts there remained after the reorganization three separate departments.

<sup>1</sup> See *Annals of the American Academy of Political and Social Science*, Vol. LXII (November, 1915), J. A. Fairlie, "The Budget in Illinois, p. 85; W. O. Heffernan, "The Ohio Budget," p. 91. See also A. E. Buck, "Progress in State Budget Making," *National Municipal Review*, XIII (1924), 19.

<sup>2</sup> Part III, Sec. 1, Document 1.

<sup>3</sup> Part III, Sec. 1, Document 6.

<sup>4</sup> *Compiled Statutes of Nebraska* (1922), p. 2249.

<sup>5</sup> Part III, Sec. I, Document 2, "Governor Lowden's Message."

<sup>6</sup> See above Section III, Document 10, and below Part III, Section 1, Document 1.

## SPECIAL PROBLEMS: SOUND ECONOMY AND CENTRALIZED PURCHASING

### 1. Model Management<sup>1</sup>

Allow me to say in conclusion, that, after all is said and done in regard to infirmary-buildings, the highest need of these structures is not so much model plans as model management. We may attain perfection in structure, but, if we fail to superadd to it a competent administration, we shall have made a very unsatisfactory expenditure of public money. A model building and a model administrator should go together; but, if we are to have but one of these requirements, let us have a model administrator.

It is strange that this requirement is so rarely recognized; and yet, strange as it may seem, the selection of an infirmary superintendent is usually based much more upon his capacity to manage horses and cattle, and make the farm productive, than it is upon his capacity to manage men and women, so as to encourage the good and reform the bad, and to disburse the bounty of the public with a wise humanity and a wise economy. There cannot be a stronger illustration of an economy "that saves at the spigot, and wastes at the bung" than to employ a cheap infirmary superintendent simply because he is cheap.

There are but few positions anywhere that require a larger combination of the best qualities of head and heart than this; and, when found, it is very certain it cannot be had at the wages of an ordinary day-laborer. Undoubtedly great extravagance has been perpetrated in many of our public institutions; but the loss of money arising therefrom is a mere bagatelle compared with the wastage resulting from parsimony in the employment of those who manage those institutions. An incompetent superintendent is dear at the smallest salary, and a competent man is cheap at the highest. Therefore, whilst we urge improvement in infirmary-buildings, let us urge, with a double emphasis, improvement in infirmary superintendence.

The golden rule of economy for all of our public institutions should be, *Retrenchment in construction, liberality in supervision.*

<sup>1</sup> Extract from a report by General R. Brinkerhoff, "Infirmary-Buildings," *Proceedings of the Sixth Annual Conference of Charities* (Chicago, 1879), p. 112.

## 2. Non-Political Administration<sup>1</sup>

Another essential requirement is to lift our public institutions out of the domain of partisan politics. If this cannot be done, at least so far as our benevolent institutions are concerned, the sooner we abandon them as a State charge the better, and rely wholly upon private charity and professional competition. If insane asylums, and orphan asylums, and idiotic asylums, and deaf and dumb and blind asylums are to become mere nesting places for political parasites, let us away with them at once and forever. So long as the State occupies the ground, no one else can do so to advantage. It is clearly right that the State should do this work, for it is the natural guardian of its afflicted children; but nevertheless, when a guardian becomes derelict in the discharge of the duties of this high trust, it is a crime against God and humanity, and the guardianship should be removed. That crime is committed whenever and wherever the administration of any public institution is interfered with for any other reason than for inefficiency or misconduct.

Here in Ohio, our benevolent institutions have been our pride and glory. Nowhere else upon the rounded globe, in all the ages, has there been a people who have responded so munificently in taxation in order that the afflicted and dependent classes should have the amplest opportunities for cure and care, absolutely free of charge to the recipients; and yet it is becoming a serious question in the minds of our best thinkers whether this whole expenditure is not an enormous mistake. It surely is such if it is to become merely spoil, or booty, with which political parties are to reward their henchmen.

There can be no proper efficiency in the management of any benevolent, penal, or reformatory institution without cultivated supervision, trained attendants, and a continued experience, which is utterly unattainable where the tenure of employment is based upon party supremacy.

Any man, or body of men, who would attempt to operate a railroad, or run a line of steamers upon the basis of political success, would be considered insane or imbecile; but surely it is equally difficult, and far more wicked, to operate our great asylums or penitentiaries upon such a principle. In this judgment I am very sure there will be no difference of opinion, among those who have had the largest experience in these matters; and if the voice of this Conference is called for, I have no

<sup>1</sup> Extract from address of the president, General R. Brinkerhoff, "Our Charities and Corrections as They Are and as They Ought to Be," *Proceedings of the Seventh Annual Conference of Charities and Correction* (Cleveland, 1880), pp. 28-30.

doubt it will be given with absolute unanimity in favor of a non-partisan administration of our charitable and correctional institutions.

#### BUILDING EXPENDITURES

Another self-evident proposition is the need of greater economy, and more wisdom, in the construction of buildings for the care of our defective and dependent classes. There is not a State in the Union where inexcusable extravagances of this kind have not been perpetrated. In every State there are large numbers of the insane, the epileptic and the idiotic, who are either wholly deprived of public care, or else are driven into dens or corners in poorhouses, or into cells in jails, where proper treatment is impossible, simply because our asylums have been built to make a show outside, rather than to provide accommodations inside. There are some asylum buildings which have cost as high as \$5,000 for every inmate they contain. Here in Ohio, we have not a single asylum which has cost us less than \$1,500 *per capita* of inmates, and we have been economical in comparison with other States. There is no reason, justice, or common sense in this kind of expenditure; \$400 *per capita* is ample for any asylum, and an amount still smaller will suffice for the idiotic, the imbecile, and the pauper classes. Our Central Asylum, at Columbus, cost us \$1,800,000, and accommodates 900 patients. The same amount of money properly expended, would afford accommodations for 4,500. As the matter now stands, we have six asylums with accommodations for 3,400 insane, and this leaves from 600 to 800 crowded into poorhouses or jails, or left out altogether. This, however, is not the worst of it. Our legislators, after so much extravagance in brick and mortar, have felt a necessity for retrenchment somewhere, and have made it by cutting down the cost of supervision, which is exactly what they ought not to have done. A log house with competent supervision is better than a palace without it. The golden rule of economy in all our public institutions should be retrenchment in construction and liberality in supervision. One of the duties which should be devolved upon every Board of State Charities for its careful consideration, should be the construction of public buildings, and no plans should be adopted by local officials without its criticism and suggestions. Fully one-half the money expended for public buildings in the United States is worse than wasted, through the ignorance, foolishness, or malfeasance of architects, builders, or officials, and it ought to be stopped.

### 3. Standards of Care and Management<sup>1</sup>

When a visitor first views a State hospital he is impressed by its size, by its scrupulous cleanliness, by the orderly rows of beds, the modern plumbing, the easy chairs, flowers and pictures, and the other appurtenances of a well-ordered hospital; he sees the kitchen, and tastes the food, and leaves, satisfied that the accommodations far exceed those of private life. In one sense, they do. Absolute cleanliness, for instance, need not exist in the home, where, a few people live, but is essential in a ward, where 50 or 100 careless and irresponsible persons are sleeping in adjoining beds. The plumbing facilities which would suit a family of two or three would breed disease immediately if subjected to hospital conditions. The flowers and pictures which give so cheerful an appearance to a hospital ward are insignificant in cost and are, in fact, but a poor substitute for the personal treasures of the simplest homes. It is true that the food supplied is ample and of a nourishing character and that it is better than the food often found at the homes from which our patients come, but it is believed that the food ration is fairly similar to the average food ration of the homes of our patients, and that, in any event, it is neither excessive nor of too good a quality. The aim of the Commission and of the superintendents is to maintain the patients in a state of cleanliness, to provide them with some interests and to give them a healthy diet which corresponds with some closeness to that to which they have been accustomed.

It is interesting to note that in the standards of construction the hospitals in this State correspond with great closeness to the more recent hospitals in England and Scotland. In the latter country, especially, very great care has been taken with and much thought has been expended upon the proper standard of maintenance for the insane poor, and it is a fact that although the standard of construction is substantially the same, the cost of maintenance is about 30 per cent less than it is in this State. An analysis of the items by which this difference is gained does not lead one to feel that their system would be suitable here. The food consists, roughly speaking, of bread, butter, and coffee for breakfast; bread, butter and tea for supper, throughout the year. Meat three or four times a week for dinner, and the other days, puddings, or soups, potatoes and bread. This standard of diet, probably coincides with the standard of domestic diet for the poorer classes

<sup>1</sup> Extract from *Eleventh Annual Report of the New York State Commission in Lunacy* (1898-99), I, 12-15.



in Scotland and England, but is far below that which our laboring people are accustomed to. Another great item of saving arises from the fact that they have followed the custodial rather than the curative system to a large extent, and at all, except the modern institutions, the patients are given no liberty from year's end to year's end, except a daily tramp within the four walls of an airing court, where they can be supervised by a few attendants. This effects a considerable saving in the number of attendants required, and an additional saving of attendants is effected by the lower rate of wages which prevails in England and Scotland. The wages of attendants there and here, of the same grade, may be contrasted as follows:

English asylums, maximum charge nurses, male . . . . .	\$230
Scotch asylums, maximum charge nurses, male . . . . .	180
New York asylums, maximum charge nurse, male . . . . .	396

While it is not considered desirable to wholly separate the promising from the hopeless cases, the hospitals of this State make in fact considerable difference in their treatment from an economic standpoint. This separation can be further emphasized when the hospitals shall contain special hospital buildings for the acute insane, but that cannot be expected until the overcrowding which now exists has been remedied, and until the new construction rendered necessary by the transfers from Hart's and Blackwell's islands and from Flatbush has been completed, and all the insane have permanent accommodations.

For the insane it is maintained that every available means tending to final recovery should be provided, not only for humane reasons, but as an economical policy, the State being rewarded for each dollar expended by many dollars saved in subsequent relief from custody and maintenance, by the return of the recovered patient to self-supporting life in the community. There can be no contention upon this point. It is proved theoretically, and is shown by practice, and in the data presented by the Commission in this and former years. In estimating the average cost of maintenance of all of the insane, it should be borne in mind that this includes the treatment of the acute class, which, in some instances, may seem excessive, and which adds largely to the whole average per capita cost. It is still the habit of superficial critics to compare the present per capita cost with the former county asylum, or almshouse, cost of maintenance, without bearing in mind that the almshouse cases were merely custodial, and that the cost of their maintenance did not include treatment. To give a single illustration: A

case of acute delirium—a form of insanity running its course in a few weeks—admitted to a State hospital, requires at once and continuously during the acute attack an extraordinary expenditure. A severe case will require the care of four nurses—two at night and two for day—the most nourishing food and the best stimulants. These cases also frequently soil and destroy bedding and clothing, and their treatment calls for unexpected requirements, difficult to estimate until the need is created. It is fair to assume that an extreme case would cost during the active stage \$25 per week, whereas the average per capita cost is \$3.50 per week. In these cases, however, the hope of recovery lies in the most careful and expert treatment in the early stage of the disease, else the patient lapses into dementia, and becomes a burden upon the State for the remainder of the insane life, which has been shown to average twelve years. It requires no expert computation to show that the curing of this patient, at whatever cost, is a great ultimate saving to the State. The Commission has, therefore, encouraged the most advanced and enlightened treatment for the curable class, and, although discountenancing needless extravagance, has not discouraged the application of every means that promised an aid to the *treatment* of the curable cases.

In the standard sought for the class who have passed the period when recovery may be anticipated, the Commission has recognized the need of caution to prevent the application of the hospital standard to this class. It is held that humane care involves comfortable and sanitary living and clothing, reasonable attendance and medical supervision. The food problem is treated elsewhere in this *Report*. An effort has been made to establish the most economical dietary on a physiological basis, and this it is believed will soon be crowned with success. The Commission has endeavored to avoid the hospitalizing of this class of the insane, who form the mass of those in custody. A proper standard, neither too high nor too low, has been sought to be established, and it is believed with fair success. The results as shown by the recovery rate, and the number discharged improved sufficiently to live at home, have been achieved through a proper expenditure for treatment and care. There is sufficient precedent to show that any material reduction of these expenditures would modify these most desirable results.

#### 4. True Economy v. Retrenchment<sup>1</sup>

Education involves outlay and expense. Some thing more than mere food, shelter and clothing are required. The officers needed for educational work must be specialists, and have education, experience and personal character. This is especially the case in institutions for the care of the epileptic, for feeble-minded children and in those of a reformatory character. Such officers are not easily found, and when found their services cannot be secured for the same salary paid to others whose duties are simply custodial. An erroneous view of the State's purpose has retarded development and has hampered well considered and adjusted plans of education in some institutions.

Those who urge economy as a plea for reduced appropriations frequently ignore the fact that the effort of the State in behalf of these wards is one of the most intelligent and rational economy. Its purpose is to take into its special charge the defective and the delinquent and by furnishing them, to such extent as may be practicable, with what circumstances have previously denied them, to place them in society later as more intelligent, useful and self-supporting citizens. Without such education and training they must swell the ranks of the depraved and criminal classes, into which are gathered those elements most destructive to society, and fraught with danger to the State. A wise economy and forethought, therefore, have led to the adoption of such educational policy by the State, and it should not be hampered and thwarted by ill-considered and narrow views of retrenchment.

#### 5. Institutional Service<sup>2</sup>

##### A. DIETARY REVISION

At the commencement of the year each institution prepared its own dietary schedule. There existed a difference in the character of the meals served at each institution, due to the individual management of each particular institution. In general, however, the meals served suffered from three distinct faults: Lack of variety, waste, and bad cooking. The per capita per diem allowance for inmates contemplated in the budget for the year was only 16 cents. This allowance was smaller than in any previous year. The average per capita per diem cost of

<sup>1</sup> Extract from Committee on Education, *Thirty-sixth Annual Report of the New York State Board of Charities for the Year 1902*, I, 15-16.

<sup>2</sup> Extract from *Report of the Department of Correction of the City of New York for the Year 1914*, pp. 53-56.

feeding prisoners in the year 1913 was 17.98 cents; practically eighteen cents.

At the outset of the year, in January, the wardens of the several institutions at a meeting called to discuss this subject, stated that it would be impossible to live within this 16 cents per capita allowance; that if it were attempted riots and internal institutional trouble would result.

It was at once seen that the question of the prisoners' meals demanded immediate attention, both for economic reasons and for the welfare of the inmates. It does not need emphasis to point out that proper nourishment is a consideration of any correctional mental or moral work.

A prisoners' menu, which characteristically represented the menu served at all the institutions, before a revision of the dietary was attempted, was as follows:

For breakfast, every day, bread and coffee, with hash added on Sunday and Thursday.

For supper, every day, bread and tea, with prunes added three times a week (Monday, Friday, and Saturday) and jelly added once (on Wednesday).

For dinner, every day, potatoes and onions; on four days, Sunday, Monday, Wednesday and Thursday, beef, carrots, and turnips added. On one day, Saturday, mutton and peas were added; and on Friday, fish, pickles, and coffee.

Under this form of menu the expense in the year 1913 was considerably greater than the per capita allowance of 16 cents per diem for the year 1914, as allowed by the Board of Estimate and Apportionment.

As a result of a study immediately initiated on this most important matter, a large amount of waste in both the cooking and the serving of the food was disclosed. Studies were made as to the amounts of food left over from each meal at several of the institutions, and the surprising fact was discovered that in bread alone the table waste represented over fifty per cent of the bread issue.

Again, although the meat allowance per capita was very large, the waste in its preparation was considerable. The meat issue being the most expensive constituent of the meal and the issue per capita so large, prevented any latitude in the serving of other foods. The cooking in most of the institutions was decidedly on an elementary plane.

Briefly expressed, the institutional menu in vogue through all the institutions was a menu apparently devised so as to entail as little trouble as possible in the cooking and serving of meals. Little initiative

or consideration for the dietary welfare of the inmates seemed to have been exercised in its formulation. The principal complaint received from prisoners was the lack of variety, and the repeated serving of the same meals day in and day out.

To change this condition, after an extensive investigation, a totally different menu for use in all of the Institutions was promulgated and quantitative tables were originated upon a per capita basis, so that the amounts of unprepared food which were to be used in the preparation of the revised dietary were definitely prescribed. The cooks of the different Institutions were instructed in different methods of cooking and in the way that the food should be served. The new dietary as promulgated for use in all the Institutions included meals as follows:

A breakfast consisting of bread, milk, and coffee, with cereals varied from day to day, and hash added twice a week; a supper of bread and coffee with the addition of such varied foods as baked beans, boiled rice and syrup, macaroni and cheese, prunes and apple sauce; and a dinner in which there were potatoes and bread, four varieties of soup, four varieties of meat, and vegetables likewise varied from day to day.

Seasonable variations from this dietary were permitted, so as to allow an even greater variety or to meet new market conditions. The issues of unprepared food to the Institutions were all based upon this established dietary, so that a control was maintained over the use of such food by storehouse and central office supervision. The installation of this menu and quantity tables has resulted in giving unanimous satisfaction to the inmates and at the same time has decreased the cost of meals to within the budget allowance of 16 cents per capita per diem.

#### B. CLOTHING

While it is necessary to clothe prisoners in a distinctive uniform, it is not desirable that the uniform be unpleasantly and unnecessarily conspicuous. The "prison stripe" uniform found in use for the suits of both Penitentiary and Workhouse men prisoners was decidedly conspicuous and abnormal.

As the placing of prisoners in "prison stripes" was felt to be unduly degrading and effected no useful or beneficial purpose, the abolition of this uniform was immediately decided upon. A considerable amount of preliminary study was required, however, before the change could be accomplished. A uniform had to be devised which in both color and cut would not be confused with other uniforms, but which would also be sufficiently distinctive for its purpose. Specifications were finally

determined upon and a plain cadet gray cloth was prescribed for the Penitentiary men inmates and a grayish blue for the Workhouse men. On account of the supply of stripe uniforms on hand at the time of change, it was not possible to make an immediate and total change, but during the year most of the men have been equipped with this new uniform.

It is intended to place all men in the plain uniform upon their entrance to the institution, but in the event of any misconduct, the plain uniform will be taken away and the "prison stripe" uniform substituted, so that the bad conduct prisoners will be distinctively clothed. Incidentally it may be mentioned that the new cloth for the clothing has been purchased at a saving over the price paid for the "prison stripe" cloth.

The uniform provided for the Workhouse and Penitentiary women prisoners was made from a wide stripe bed ticking. This ticking was the same as that used for the making of mattresses.

As these bed-ticking dresses were unsightly, dresses made from a small striped pattern of seersucker have been substituted. This seersucker, while distinctive, is not too conspicuous in pattern and is certainly more appropriate for dresses than the bed-ticking found in use. The uniform for matrons and women orderlies, in charge of the prisoners, has also been changed from a blue check seersucker to a plain white and blue chambray. This change has been made so as to provide a greater distinction between the dresses of the women prisoners and the dresses of the matrons and women orderlies.

The shoes and the underclothing for men and women prisoners are both made in the Manufacturing Industry shops at the Penitentiary. The underclothing is warm, thick and suitable, but improvements are contemplated which will make it a little more comfortable. During the year the specifications for both men's and women's shoes have been revised and materially changed. The shoes turned out in the latter part of the year were decidedly superior to those turned out in the earlier part, the workmanship and stock both being improved.

## 6. The Nature of True Economy

### A. APPROPRIATIONS<sup>1</sup>

The neglect of past legislatures to make adequate appropriations for necessary buildings and extraordinary repairs has resulted in a

<sup>1</sup> Extract from "Twenty-second Biennial Report of the Osawatimic State Hospital, Osawatimic, Kansas," *Second Biennial Report of the Kansas Board of Administration for the Two Years Ending June 30, 1920*, pp. 8-10.

cumulative necessity for these at a time when labor and material is extremely high.

Most of the recommendations for building improvement and repairs embodied in this *Report* have been presented in previous reports, some of them dating back as far as ten and twelve years. The legislature has consistently ignored the urgent necessity of the repairs and improvements sought, with the net result of causing a state loss amounting to hundreds of thousands of dollars. Their dilatory policies and tendency to shift their immediate responsibility to the shoulders of their successors may be regarded as the chief cause of this condition.

There has been a decided shirking of responsibility in regard to our charitable institutions. Legislators have regarded their function more in the light of conservators of public funds than of constructive statesmanship. They have viewed with alarm every request for funds to facilitate the work and improve the physical condition of some of the state's charitable institutions. After the most cursory and superficial inquiry into the wisdom and necessity of proposed improvements, they have arbitrarily decided questions vital to the interest of the state on a basis of immediate economy. Their purview has not comprehended ultimate economies in administration or efficiency of operation from the expenditures of funds guaranteeing these in the future. The opinions and recommendations of those whose only interest concerned efficient, humane and constructive administration have been viewed as immature, trivial and unimportant.

The need for improvements in the past has been presented in the most urgent and earnest manner, both by the governing boards and the heads of the institutions, yet in many instances recommendations vital to the welfare of the institution have been arbitrarily refused by the legislature, until hopelessness, discouragement and impaired efficiency have supplanted the hope of constructive and creditable administration.

Some years ago the state legislature changed the name of this institution from the "Osawatomic Insane Asylum" to the more high-sounding title "Osawatomic State Hospital." Since that time they have done nothing to support the new title of Hospital. The institution remains today as it was at its foundation in 1863—an asylum, a place of detention, without means of administering curative treatment to the unfortunates consigned to its care, notwithstanding repeated and earnest requests for the necessary equipment. It has maintained a corps of qualified physicians, expending large sums annually for their

salaries, but has refused the means by which their science could be best applied for the amelioration of mental suffering and the restoration to health and vigor of the mentally afflicted coming under their charge. Hundreds of cases that, through this pernicious penny-wise policy, have become life charges against the state, could and should have been restored to mental competency and useful citizenship.

The ultimate economic loss to the state will be a thousand per cent greater than the initial cost of the equipment required for its prevention in the erection of adequate and properly equipped buildings for the reception and treatment of acute cases and for the housing of its various important industries.

Absolute justice and fairness demands that the mentally afflicted coming to this institution should have an equal chance of mental recovery with those going to the Topeka Hospital, which under existing conditions is impossible. The estimated cost of an equipped building for the reception and treatment of acute cases, similar to the one constructed at Topeka, at the time this building was first recommended, was approximately \$150,000. At the present time, with the marked advance in prices of labor and material, the same building with its equipment would probably cost \$400,000.

The same penurious policy has resulted in the loss of over fifty head of thoroughbred Holstein cattle from tuberculosis at this institution in the past seven years. The plea for a sanitary dairy barn, in order that this tremendous loss might be remedied, has met with persistent refusal. The cost of such a building when first recommended would have been approximately \$15,000. Up to the present time our loss has about equaled this amount and the cost of constructing the same dairy barn has more than doubled.

The necessity for these two buildings cannot be denied. It is readily seen that immediate versus ultimate construction leaves no ground for argument in favor of the latter. We have no assurance whatever that the cost of labor and material will decrease perceptibly in the next two years.

What argument can reasonably be advanced that the great commonwealth of Kansas cannot afford to protect its institutions against decay, its herds against the ravages of disease and its wards against the utter hopelessness of custodial incarceration?

The time is now here when it seems that these conditions must be met squarely. The policy of the past of disregarding the carefully considered and thoroughly determined needs of these institutions, presen-



ted by the Administrative Board, after all possible data have been secured as to necessity and cost, the pursuit of the slogan "Economy" to the point where efficiency is suppressed; the vicious, unproductive and expensive junkets of various legislative committees to investigate needs that they cannot possibly intelligently grasp in the limited time given to their survey, must be recognized as both fallacious and pernicious and should be superseded by more effective and direct methods. The comparison of present construction cost for improvements that were imperative ten years ago, and which have met with continued refusal by past legislatures, unquestionably seriously reflects on the legislative erudition of those to whom the people look for a wise and judicious administration of its great public responsibilities.

It is to be hoped that the co-operation of the present legislature can be secured in order that the delinquencies of previous legislation can be redressed. A spirit of co-operation born of constructive earnestness and an attentive consideration of the recommendations submitted are essential, in that these recommendations necessarily involve expenditures far in excess of any hitherto submitted, and in their submission it should be fully understood that their urgent need has been previously presented and that they are vital to the preservation, progress and efficiency of the institution. That the state should continue to suffer an economic loss that is obviously reparable is incogitable. We have ever had as members of the legislature men of broad minds and high principles whose sole desire has been to serve the state in a proficient and progressive manner. Yet when these men, alert and co-operative in all other progressive measures, were brought face to face with the imperative necessity of appropriations for construction, the necessity for which was indubitable, they have transmitted this burden of responsibility to their successors rather than resolutely face the obligation themselves. Political and factional disputes have at other times made these institutions their innocent victims. It has also been the vicious custom of some of the institutions to seek appropriations far in excess of the amount they candidly expected to obtain, while others have hewed to the line and limited their recommendations to their exact and vital requirements. This no doubt has tended to confuse the legislator, and by making the problem difficult of determination has worked a serious retroactive hardship on all institutions. A hastily prepared and hurriedly performed junket is not conducive to a full understanding of even the most superficial needs of these institutions.

Rather should the responsibility be centered on the Administrative Board, whose requisite capacity and familiarity equips it for the proper assumption of this responsibility.

The administrative head of an institution is actuated by a desire to have his institution assume a creditable standing with similar institutions not alone in his home state, but elsewhere. It is inconceivable that there should be even a covert purpose on the part of an executive to dissipate the funds of the state. The recommendations submitted are, as a rule, the cumulative consequence of years of intimate association with and mature consideration of the requirements of his institution; and furthermore, the recommendations of the institutional executive are subjected to the scrutiny and censorship of the Board of Administration, so that when his recommendations finally make their appearance before the legislature they embody the fully digested discernment of men skilled in institutional requirements, whose fidelity precludes the recommendation of any measure nugatory in the welfare of the institution, and whose obligation to the state is as keenly felt as is that of the legislator.

#### B. APPROPRIATION REPAIR FUND<sup>1</sup>

There are constant demands for repairs about an institution. In the early days of this Hospital, when the buildings, the steam and water pipes, etc., were new, these demands were not urgent, but after a period of years repairs are frequent and some of them imperative. Some industrial plants set apart a percentage of the amount invested in equipment as a repair fund and strive to keep the buildings, machinery, plumbing, etc., always in first-class condition. If this is wise policy in a money-making enterprise it is good policy for the state. Certainly it is unwise to allow buildings and machinery to get in such condition that large sums must be spent upon them when frequent small expenditures at the proper time would accomplish the same result. The old proverb of "a stitch in time" applies to state work. On the other hand the maintenance fund is commonly exhausted by ordinary expenses and a constant effort to make both ends meet is necessary. Needed repairs are put off till a more convenient season, which seldom comes. A definite repair fund should be created, either as a part of the maintenance fund or as an entirely separate fund.

<sup>1</sup> Extract from "Ninth Biennial Report of the State Hospital for Epileptics, Parsons, Kansas," *Second Biennial Report of the Kansas Board of Administration for the Two Years Ending June 30, 1920*, p. 7.

### 7. The Illinois Organization for the Purchase of Supplies<sup>1</sup>

Inasmuch as no statement has heretofore been published showing the method pursued by the Purchasing Committee in purchasing supplies for the eighteen State charitable institutions, a brief outline is hereinafter given showing how these matters have been handled.

*Appointment of Purchasing Committee.*—Pursuant to the provisions of the Act creating the board, annual meetings of the Board of Joint Estimate were held Jan. 1, 1910, Jan. 2, 1911 and Jan. 1, 1912. At the 1910 meeting, Mr. Thomas O'Connor and Dr. J. L. Greene were unanimously elected as members of the Purchasing Committee to act with the fiscal supervisor in purchasing the supplies for the institutions. At the 1911 meeting of the Board of Joint Estimate, Mr. Thomas O'Connor and Dr. H. B. Carriel were unanimously elected members of the Purchasing Committee. At the 1912 meeting of the Board of Joint Estimate, Mr. Thomas O'Connor and Dr. H. G. Hardt were unanimously elected members of the Purchasing Committee.

*Quarterly or Annual Estimates.*—The first step taken is to call for the quarterly or annual estimates of supplies that are needed by each of the State institutions. These estimates are made at the institutions by the managing officers on a prescribed form.

These estimates are received at the office of the Board of Administration approximately one month before the Purchasing Committee advertises for bids. The estimates are examined and revised by the fiscal supervisor, one copy of which is filed with the State Auditor of Public Accounts, one copy is retained by the Board of Administration and one copy is returned to the institutions. All revisions, made by the fiscal supervisor, are subject to the approval of the Board of Administration. The managing officers of the institutions can appeal from the decision of the fiscal supervisor to the board. In making the revisions of the estimates, the fiscal supervisor has to consider what merchandise is on hand; the amount of merchandise to be received; delay in transit of supplies and the estimated population of the institutions. In order to avoid purchasing an excessive supply of merchandise, in making these revisions a ration table has been used. This table was secured from the state of New York. The rations per day for one insane person for the principal articles of diet are: Fresh and salt meats and fish, 10.5 ounces; farinaceous food, 13 ounces; potatoes, 10 ounces; eggs,  $\frac{1}{2}$  egg; eggs extra for 10 per cent of population,  $\frac{1}{2}$  egg; milk, 1 pint; milk

<sup>1</sup> Extract from *Report of the Board of Administration of the State of Illinois (1910-12)*, pp. 83-85, 95-98, 101-7.

extra for 20 per cent of population, 1 pint; butter, 1.5 ounce; butter extra for 10 per cent of population, .05 ounce; cheese, 3 ounces; sugar,  $2\frac{1}{8}$  ounces; tea,  $\frac{1}{8}$  ounce; coffee,  $\frac{1}{2}$  ounce; dried fruit,  $4\frac{3}{8}$  ounces. The above ration table does not represent what is actually fed to the patients, for the reason that many of them are invalids and do not require the quantity of the rations given, but on the whole the average shows that these quantities are required.

#### ADVERTISEMENTS FOR BIDS

The law requires that the purchase of all supplies, except for emergency purposes, shall be decided by competitive bidding and competitive proposals shall be advertised for in one or more newspapers of general circulation, published in each one of the seven largest cities in the State. . . .

In addition to the purchase of general supplies for the institutions, the Purchasing Committee has provided for the purchase of perishable supplies and stock feed upon bids received monthly by the managing officer of each institution. The advertisement covering these purchases is inserted in a prescribed form. . . .

*Specifications.*—As provided for in the advertisements, bids are received upon specifications prepared and sent out by the Purchasing Committee. In the purchase of these supplies there are seventy-eight different classifications. . . .

The Purchasing Committee has a mailing list of approximately eight hundred names to which specifications are mailed regularly each quarter. Specifications for all supplies are mailed to bidders upon request. Competition in the purchase of all merchandise is desired and firms and individuals, desiring to submit bids, are requested to send in their names to be placed on the mailing list.

As provided for in the advertisements, the bids are publicly opened at the time specified and all interested bidders or their representatives are permitted to be present and examine bids of their competitors.

*Tabulations.*—An extra force of approximately twenty clerks tabulate the bids for the Purchasing Committee. This usually takes a day and night shift of employees for a period of about two weeks. During one quarterly tabulation period it was estimated that in the grocery classification alone there appeared approximately 110,000 entries.

*Awarding of Contracts.*—The tabulations sheets are taken to the warehouse of the board where all quality samples are filed and the Purchasing Committee then makes the award of the contracts to the

successful bidders. Under a statutory provision, supplies and material produced in the State are preferred in the purchase provided that such preference is not made at the expense of the State. All awards of contracts are made by an aye and nay vote of the Purchasing Committee and each item on the tabulation is marked by a rubber stamp. . . .

In determining the successful bidder, the question of quality is an important factor and in certain purchases the committee has been advised by those having technical knowledge of the value of such articles. For instance, in purchasing coffee and tea the Purchasing Committee employs an expert who tests the coffee and tea in the cup and reports to the committee the best article, submitted by the different bidders, the articles being graded in the order of their quality. The samples submitted to this expert are marked by number only, without the names of the bidders, and the expert's report to the Purchasing Committee is by number of the sample only. The storekeeper, at least twenty-four hours in advance of such test, files at the office of the board a list of the firms and individuals submitting samples with the sample numbers opposite each name. This list is sealed by the storekeeper in such a manner that it cannot be opened without detection. When the matter is considered by the Purchasing Committee, both the report of the storekeeper and that of the expert are opened at the same time and the contracts are awarded accordingly. The expert employed by the Purchasing Committee is also in the service of the federal government in the same capacity in judging teas and coffees purchased by the United States Commissioners of Indian Affairs at Chicago. . . .

*Emergency Purchases.*—The law provides that the Purchasing Committee shall have the power to purchase supplies for emergencies without advertising. In such cases the Purchasing Committee certifies in writing to the Board of Administration that an emergency exists and the board authorizes the purchase. The constant effort of the Purchasing Committee and the board has been to reduce the emergency estimate purchases to the minimum. Frequent injunctions have been made upon managing officers to foresee the needs of the institution, so that only unforeseen occurrences will be covered by such purchases. The emergency estimate purchases, unless closely supervised and held down to the indispensable articles which cannot be avoided, may become a prolific source of the evasion of the law requiring competitive purchases. . . .

*Receiving Supplies at Institutions.*—Each institution is furnished with copies of specifications covering the purchase of supplies. On

each invoice of merchandise covering shipments or deliveries made to the institution the receiving officer certifies as follows: "The full quantity of merchandise entered on this invoice has been received and complies with the specifications (or sample furnished)." On the same invoice the chief clerk is required to certify as follows: "The prices, supplies and amount, with extensions have been supervised, inspected and found correct."

Before any bills are paid they must bear these certificates. In many cases quantity samples are forwarded by the Purchasing Committee to the institutions for comparison with the shipments and this is oftentimes supplemented by visits to the institutions from the Purchasing Committee and its storekeeper with a trunk of quality samples which are compared with the supplies received at the institutions. In judging tea and coffee, samples from the shipments are sent to the expert, employed by the Purchasing Committee, who examines them and reports as to whether they conform to the sample filed by the successful bidder receiving the contract. Where the receiving officer, or the Purchasing Committee, has reason to believe that the supplies received are not in accordance with the specifications, or it cannot be determined without a chemical analysis, samples are obtained from the shipments and are either forwarded to the State Analyst of the Pure Food Commission, at Chicago, or to commercial chemists who report the result to the Purchasing Committee. Among these supplies, which have been analyzed and tested, are the following articles: Allspice, blankets—woolen, butterine, cinnamon, corn meal, flour, coal, ginger, lemon extract, mustard, milk, lubricating oils, pepper, laundry soap, horse feed, soap chips for laundry use, vanilla extract, vinegar and white lead.

The acceptance or rejection of the supplies is based either upon the certificate of the receiving officer, the report of the expert, or chemical analysis. The Purchasing Committee has rejected a large quantity of supplies which have not conformed to the specifications. The principal articles are flour, coffee, tea, butterine, soap chips for laundry use, milk and blankets. Samples submitted for analysis are forwarded to the chemist by number only without the name of the contractor. . . .

*Payment of Bills Withheld for Rejected Supplies.*—In order to secure an adjustment of differences between the contractors and the Purchasing Committee, where supplies are not accepted, the payment of all vouchers is withheld until such an agreement is reached. . . .

*Payment of Bills for Supplies.*—If supplies are accepted, vouchers are issued at the different institutions covering the invoices filed by the contractors which are forwarded once a month to the Board of Administration for examination and are then transmitted to the State Auditor of Public Accounts, who issues warrants for the payment of the bills and mails them direct to the contractors.

### 8. The State Auditor of Colorado Urges a Purchasing Department<sup>1</sup>

#### STATE PURCHASING AGENT

The necessity for a department of State Purchasing Agent for the purchase of all supplies and equipment for all institutions, departments, boards and commissions is becoming more apparent every year. I believe that the creation of such a department would result in the annual saving to the taxpayers of no less than \$500,000 every biennial period. On account of the many agencies now authorized to purchase whatever may be necessary in the conduct of the political state, retail prices are generally charged. This is demonstrated daily by perusal of all bills presented to the Auditing Board for approval, which find their way to the State Auditor's office where warrants are written. I am informed that the creation of a Purchasing Agent department in one state resulted in a saving to the taxpayers of equal to \$300,000 the first year, in another state, \$500,000 in the first biennial period, and in the state of Massachusetts approximately \$2,000,000. Many states have now created such a department and through correspondence with the State Auditors of other states, I am informed that legislation creating a State Purchasing department will be enacted during the present meeting of the General Assembly. It should be borne in mind, however, that in creating this department the appointive representative's term of office should be not less than six years, in order that a thorough system could be established and a sufficient amount of money appropriated for salaries, traveling expenses, and administration purchases. If taxes are to be reduced we must find methods of curbing the great outgo of public moneys and creating this department would add another step in line of conservancy now manifested by all business interests in the state.

<sup>1</sup> Extract from *Biennial Report of Arthur M. Strong, Auditor of the State of Colorado, 1922-24*, p. 12.

### 9. A State Purchasing Department Reports Progress<sup>1</sup>

During the first biennium the organization was perfected and for the past two years there have been few changes except when it was found possible to reduce the cost of operations. We have continued to operate in the two divisions, the Finance and the Purchase. There has been no material change in the keeping of records, or the general routine of work. Past experience has enabled us to better systematize the work, and by closer supervision we will have been able to pass through the present biennium at considerable less cost. The first two years the Department was run at a total cost of \$45,000, while the present biennium will not exceed \$34,000, though fully as much business will have been done.

#### PURCHASING

The purchasing department has functioned well during the past two years and the great volume of business has been done with dispatch and to the general satisfaction of the departments of state and the firms with whom the business has been done. We have continued to follow the policy established in the beginning, that of purchasing as far as possible within our own State and giving all dealers an equal opportunity to bid on state requirements.

From April 1, 1921, to November 30, 1922, a period of 20 months, the Department issued 14,704 purchase orders; while from December 1, 1922, to November 30, 1924, a period of 24 months, there were issued 31,891 purchase orders. For the latter period the total purchases for the State Institutions and Departments aggregated \$1,626,467.97, distributed as follows:

Utah Agricultural College .....	\$162,139.35
Branch Agricultural College (1 year—1924) ....	7,205.81
Utah School for the Deaf and the Blind .....	46,704.58
State Fair Association .....	32,552.28
State Industrial School .....	66,579.74
State Mental Hospital .....	191,740.94
Utah National Guard .....	10,981.20
Utah State Prison .....	108,639.04
University of Utah .....	185,225.13
Departments (including Road Commission) ....	814,699.90

<sup>1</sup> Extract from *Second Biennial Report of the Department of Finance and Purchase of the State of Utah for the Years 1923-24*, pp. 3-5. Attention may be called to the fact that the legislature of 1925 failed to make any appropriation for the work of this department.



## SAVINGS

By centralized purchasing the state has become a specially preferred purchaser, receiving preferential discounts of from five per cent to fifteen per cent under regular wholesale, which, with quantity purchasing, competitive bidding and the elimination of the retail purchases, has saved to the state, over the old method of doing business, an average of more than twenty per cent, or in actual money, approximately \$400,000 in the two-year period.

In our former *Report* we pointed out many examples of savings in purchases and could point out many more here if it were necessary. I do desire to call your attention, however, to the fact that our coal contract this winter calls for three thousand tons of slack coal to be delivered in the bins of the University of Utah and the State Capitol at \$3.20 per ton. The Salt Lake City School Board contracted last fall for seven thousand seven hundred tons of screened slack at \$4.28 per ton. The price of screened slack to the State is only fifty cents more per ton than straight slack. Coal purchased for all other institutions is contracted for F.O.B. the mines.

In addition to the saving made in the purchasing of supplies and materials for the various Departments and Institutions of the State, there are many savings made in the controlling of purchases. This Department has been under the necessity of refusing to purchase many items that have been requested, because it was felt that the department or institution requesting the purchase could well get along without the items asked for, or that they could not afford to buy them, or in some cases, items requested could not properly be charged to the state. It is interesting to note, however, that there have been many times fewer requests for such items during the past two years than there were for the previous biennium.

## SECTION VII

### INTRODUCTORY NOTE

Reference has been made a number of times to situations with which the authorities of two or more states were concerned. It has not been uncommon for one jurisdiction to make use of institutional facilities in another jurisdiction. The successful plea for federal aid made by the schools for the deaf on the basis of their interstate service has been set out.<sup>1</sup> Rhode Island made use of the New Hampshire institutions for the care of the insane;<sup>2</sup> Oklahoma sent its prisoners to the Kansas penitentiary.<sup>3</sup> These relationships might be relatively simple, since neither state is under other compulsion than that dictated by a consideration of its own interests. The one could withdraw, the other could exclude. But there are possibilities of serious difficulties arising, and two present-day problems are of special interest.

The first of these is the question of a difference of opinion and of practice in a matter which calls for continuing action by both jurisdictions. This is illustrated by Documents 1-5 setting forth the difference between Massachusetts and New York in the treatment of non-resident poor. Since there was no superauthority, conference and discussion were resorted to in the attempt to secure agreement.

A second question is that of attempted co-operation in the carrying out of a project of concern to all parties to the attempt. Documents 6-8 illustrate an attempt to bring about regional organization for the more efficient development of prison industry and for the co-ordination of the demand for the product of prison industry. Up to the present time, the actual results of this effort on prison industry seem very slight. Developments in the direction of reciprocal services and widening ranges of agreement should, however, be closely watched by students. Especially should partisan changes tending to interrupt the development be deplored.<sup>4</sup>

<sup>1</sup> Part I, Sec. III, Documents 1 and 2.

<sup>2</sup> Part II, Sec. II, Document 9.

<sup>3</sup> *First Annual Report of the Commissioner of Charities and Corrections of Oklahoma* (1908), pp. 4-15; *Second Annual Report* (1909), pp. 8-14, 101-93; *Report of the Trustees of the Kansas State Prison* (1910), p. 10.

<sup>4</sup> The recent changes in personnel in the New Jersey and Pennsylvania Departments should be closely studied with this question in mind.

In documents given below,<sup>1</sup> attention is called to the very great volume of the demand for goods on the part of state institutions and agencies, and of kinds of goods which it should be possible to produce with prison labor without disturbing the general market for the products of "free" industry. Business and labor are, however, organized without regard to state lines; and the necessity of organizing prison industry, not only under the limitations set by business and labor, but under those fixed by the political jurisdiction as well, has created a situation to which the welfare organization seems not to be adequate.

Attention may, however, be called to the effort made by the Pennsylvania authorities under the Pinchot administration to place the welfare activities against a background of historical, psychological, and social interpretation<sup>2</sup> and to the authority given by the legislature to dispose of prison products outside the state.<sup>3</sup> Note should also be taken of the attempt worked out in California to pay wages to certain groups of their convicts who can be employed in road-building and other extra-mural undertakings; and of the attempts in Colorado to extend the construction operations of the prison to which Colorado owes so much of its magnificent system of roads.<sup>4</sup> But the matter really pertinent to this volume is rather the ingenious proposal of the National Committee on Prison Labor that the states organize in regional groups for the purpose of regulating in advance and of absorbing afterward the products of their prison industry.<sup>5</sup> In accordance with these proposals, regional conferences of governors have been held, beginning with an Intermountain Conference on the Allocation of Prison Industries at Salt Lake City, April, 1924. This has been followed by a conference in Atlanta, at which Alabama, Georgia, Mississippi, North Carolina, and South Carolina were represented; by a conference in Trenton, with Pennsylvania and Maryland present; a

<sup>1</sup> See Document 6.

<sup>2</sup> General reference may be made to the very able series of bulletins published during the administration which may probably be obtained by applying to the Department in Harrisburg.

<sup>3</sup> See Document 8. See also Part III, Sec. I, Document 15.

<sup>4</sup> Governor William E. Sweet devoted space in his message both in 1923 (see *Inaugural Address* [1923], p. 22) and in 1925 (*Biennial Address*, p. 3) to this subject.

<sup>5</sup> E. Stagg Whitin, "A Plan for the Interstate Sale of Prison Products," *Annals of the American Academy of Political and Social Science*, CXXV (May, 1926), 260-64. Dr. Whitin is executive director of the National Committee on Prisons and Prison Labor. The headquarters of this organization are at No. 4 West Fifty-seventh Street, New York City.

conference in Salem, of Oregon with Washington; in Boston, with Connecticut, Massachusetts, Rhode Island, and Vermont present; and one in Kentucky, with North Carolina and Tennessee present. In all the conferences, business, industry, and labor take part.

The organization of the regional groups has been supplemented by the incorporation of an agency for the purpose of marketing the goods produced. This is known as the Associates for Government Service, Incorporated, and is described by Dr. Whitin as incorporated "to make the exchange of prison goods among the states and to help develop the purchasing methods of the states." Document 8 contains the statute enacted by the Pennsylvania Legislature to enable the Department of Welfare to market products of the prison industry outside the state.

## INTERSTATE RELATIONS OF PUBLIC WELFARE OFFICIALS

### A. THE RELATION BETWEEN THE STATE BOARD OF ONE STATE AND THE STATE BOARD OF ANOTHER WHEN THERE IS A CLEAR ISSUE OF POLICY

#### 1. The Prelude<sup>1</sup>

##### IMPORTATION OF BLIND, IDIOTIC, CRIPPLED, EPILEPTIC, LUNATIC AND INFIRM PAUPERS

The observations and investigations of this Board have clearly established the conclusion that it has long been the practice of many of the cities and towns of different governments of Europe to send to this country their blind, idiotic, crippled, epileptic, lunatic and other infirm paupers, incapable of supporting themselves, in order thereby to avoid the burden of their support. To this end, a steerage passage lands one of these helpless creatures upon our shores, and thus relieves the locality whence they were sent, of twenty, thirty, and in many cases, even more continuous years of their hospital treatment, nursing and care. European countries find it much cheaper, therefore, to deport these classes of their dependents to America, than to provide support for them through life. The greater part of these, reaching this country by the seaports of the United States, land at New York, and, while some of them find their way into other States, most of them ultimately become life-long incurable dependents in the hospitals, insane asylums and other public charities of this State. Moreover, large numbers of them come to this country by the way of Canadian or other British provincial ports, whence many of them drift, or are sent into this State to become permanent burdens upon its public charities.

To such an extent has this practice of sending confirmed helpless paupers to America increased, that it cannot be denied; indeed, little or no attempt at denial, or even concealment in the matter is made. These various classes of chronic dependent aliens, come under the frequent observation of the members and officers of this Board in their visits to our insane asylums, hospitals, poor-houses and other charitable institutions, and the fact of their fraudulent shipment to this coun-

<sup>1</sup> Extract from *Thirteenth Annual Report of the State Board of Charities of the State of New York* (February 5, 1880), pp. 41-43.

try, has been fully established. Within the past two years, the evil has attained such proportions, that the Board has recently felt called upon to bring the subject to the attention of the Department of State at Washington, and to the representatives of this State in Congress. The matter has also been brought to the notice of the proper authorities of many of the other States, and has everywhere attracted marked attention.

And the extent to which this evil has now increased suggests, also, the need of protective legislation. Since the collection of head money on immigrants by our Commissioners of Emigration has been declared by the United States courts unconstitutional, this exotic burden on the tax payers of the State has become much more onerous, and has steadily increased. The classes referred to are in no wise the legitimate objects of our charity, and the State ought not to be burdened with their support; on the contrary, the task of supporting them should be thrown back upon the countries in which they originated. To this end, every blind, idiotic, crippled, epileptic, lunatic or other infirm foreign pauper, designedly thrust upon us, if in condition to encounter the return voyage, should immediately be sent back to the place whence he or she came. By a rigorous enforcement of this rule, it is believed that the evil complained of would be greatly reduced.

To accomplish this end fully, Federal legislation will probably become necessary, and a bill to this effect has recently been introduced into Congress. Until appropriate legislation is had, if the State Legislature were to provide a small special fund to be used by this Board with power to send such helpless persons when found in our institutions of charity, to the countries from whence they were shipped, it would serve largely to protect the State and counties against these distressed classes, especially those reaching us by the way of Canadian and other British Provincial ports, and greatly lessen the burdens referred to. The expense of maintaining a single one of these expatriated paupers in an asylum or poor-house one year, would provide for the return to their homes of five of them. To return them would not only be humane and just, but an immediate economy. It would also save the State and counties future heavy annual expenditures in supporting them.

Attention is invited to the report of the proceedings of the conference between a committee of the Massachusetts State Board of Health, Lunacy and Charity, and this Board hereto appended, for further information bearing upon this subject.

## 2. The Charge<sup>1</sup>

A person passing through the State of New York from Ohio, not a pauper, but a person seeking employment, goes to Massachusetts to get employment, becomes dependent, asks assistance to be sent back to the State of Ohio where he formerly resided, and where he has a settlement. Massachusetts says: "No; we will send you as far as Albany, in the State of New York. We will drop you down there without a cent of money, without any means of making further progress, and you must rely upon the charities of the citizens of New York for further help." Massachusetts, in the first instance, places an obligation upon us for the support of a person for whom we have no obligation whatever, a person who was never a citizen in our State and never a dependent in our State; who was never in our State in the condition leaning upon the verge of dependence even, but who, while in the State of Massachusetts, becomes dependent and is dropped by the authorities of Massachusetts in our State for the first time by the act of Massachusetts alone; not by the act of Providence, and not by any act that we are in obligation bound to respect, but by the act of Massachusetts, who has dropped upon us a burden for however long a time it may extend. We cannot yield to that point.

## 3. Proceedings of a Conference on the Subject of Non-Resident and Alien Paupers<sup>2</sup>

The policy of transferring paupers from one locality to another, for the purpose of evading their support, is traditional. It existed under the old parish system in England, and has come down to us through Colonial times. Until a comparatively recent period it prevailed in our own State, in the shipment of dependents from county to county, or in the "passing on" process.

This policy, though regarded as being at the time in the interests of economy, was found to be delusive, and attended with serious evils, as the public burden remained the same, whether borne by one locality or another, while the individual was thereby demoralized, and the hope of his recovery from dependency greatly lessened. Thrown out of employment in a neighborhood where he has a settlement and is sur-

<sup>1</sup> Extract from *Thirteenth Annual Report of the State Board of Charities of the State of New York* (February 5, 1880), p. 225.

<sup>2</sup> *Ibid.*, pp. 213-23, 249-50.

rounded by those who would naturally render him assistance in case of dire extremity, he seeks a distant locality in the hope of finding occupation. Here, owing to sickness or other causes, he is obliged to ask for relief. Instead of being tided over his present difficulties, or returned to his friends, the machinery of official charity comes into operation and assumes to discharge its responsibility by placing him beyond its immediate jurisdiction. Under such circumstances, with his capital of character unavailable, being looked upon even with distrust, it is natural that he should become despondent, and abandon all hope of regaining a position of respectability.

This policy is further believed to be pernicious in its influence upon society as fostering selfishness, and presenting a constant temptation to avoid legitimate liabilities. The sympathies which outflow from the knowledge of the wants of the poor are suppressed, and indifference supplants a better and more generous sentiment.

Another disadvantage of this policy is, that it fails to correct those evils which form the source of pauperism and crime, where correction is possible, namely, at the fountain-head; for if each locality was held responsible for the wrongs of this character originating within it, the remedy would be more efficacious, because applied at home; but if the paupers and criminals of one neighborhood can, by some official process, be shifted upon another, the idea of retaliation is suggested—a course which only multiplies the evil and increases individual suffering.

The Board, from its observations and interviews with the superintendents of the poor and other officers interested, having become convinced of the unsoundness of this policy, exerted itself in connection with these officials, to establish a more enlightened, humane and economic method of action, which in 1873 resulted in the enactment of the State Pauper law.

This law empowers the Secretary of the State Board of Charities, in case it is considered for the welfare of the individual, and the interest of the State, to return to their friends or places of legal settlement in other States or countries, such sick, infirm, or disabled dependents as have not resided in any county of the State for more than sixty days. The removal, except in clear or undisputed cases, is usually effected after a correspondence with parties residing in the locality to which the individual is sent. The operations of this law have been found to be economic and humane. Through its instrumentality families have been rescued from pauperizing, disabled soldiers sent to the National Homes,



lunatics escaped from asylums of other States taken into custody and returned, instead of being left a tax on the counties in which they were found. On the other hand a considerable number of aged and infirm persons, aimlessly wandering in their homelessness, have for the brief remaining period of their existence been sheltered in our State almshouses and thus the obligations of humanity have been decently discharged.

The execution of this law has enabled the Board to gain a more intimate knowledge of this class, and has revealed the fact that the State of New York is being burdened with large numbers of paupers, systematically forwarded from other States, especially from the State of Massachusetts. The geographical position of New York City with her connecting lines of railroads and steamboats, also the fact of her being the principal port of entry for immigrants to this country, over which the same close scrutiny is not exercised as in the rural districts, renders her expenses from this source exceptionally heavy. These are the greater from the fact that the State of Massachusetts, the immigration into which from foreign countries by the way of New York city is large, holds this State responsible for persons landing at her port from foreign countries when becoming dependent in that State, sending such at once back into the State of New York. The magnitude of this evil led the Board to address a communication upon the subject to the State Board of Charities of Massachusetts on the 1st of November, 1877, making complaint regarding the transfer of certain classes of persons by her public officials to New York State, and protesting against the practice.

To this the Massachusetts Board replied, that the system of pauper removals did not originate with that Board, but was devised by the Alien Commissioners and enforced by the Legislature in 1860; that it had been retained because the Board believed it to be just and equitable.

Further correspondence followed, and upon the reorganization of the State Board of Massachusetts, under the name of the Commissioners of Health, Lunacy and Charity, an invitation was extended, through Commissioner Lowell of the New York Board, to a conference in New York City, which was held November 12th, 1879.

At this conference Massachusetts was represented by Hon. Charles F. Donnelly and Dr. Robert T. Davis, Commissioners of the State Board of Health, Lunacy and Charity; Dr. H. B. Wheelwright, Su-

perintendent of Out-Door Sick Poor; Mr. S. C. Wrightington, General Agent.

New York was represented by William P. Letchworth, President; John C. Devereux, Vice-President; Martin B. Anderson, LL.D., Edward C. Donnelly, Samuel F. Miller, Theodore B. Bronson, John H. Van Antwerp, Ripley Ropes, Josephine Shaw Lowell, Commissioners of the State Board of Charities; Charles S. Hoyt, Secretary; and James O. Fanning, Assistant Secretary.

Upon invitation there were also present, Geo. J. Forest, President; H. J. Jackson, Secretary; S. Kaufman, President German Emigration Society, representing the Commissioners of Emigration; and William Blake, Superintendent of Out-Door Poor, representing the Commissioners of Charities and Correction, New York City.

This conference is deemed important, as those participating were, by reason of their official relations, practically conversant with the subject, and because the views of the Massachusetts Board and the policy of that State were fully presented. It is believed that this complicated question will be best understood by giving the discussion in its essential details.

The conference was opened by the president of the New York State Board who stated that it had become manifest to the New York Board that the custom of Massachusetts in transferring paupers into New York State had resulted in the imposition of a grievous burden. It was felt in a greater or less degree by every county in the State, but more especially by the city of New York. The several classes of persons complained of were as follows:

*First.*—Persons belonging to other States and Canada transported to this State by Massachusetts authorities, and left here without the means to proceed to their destination.

*Second.*—Persons who were born in this State, but long resident of Massachusetts, returned to this State upon becoming insane or otherwise diseased, so as to require public aid.

*Third.*—Immigrants landing at the port of New York, but settling in Massachusetts, sent to this State when sick or otherwise incapacitated.

Against this practice the State of New York reiterated its protest and renewed its complaint against the Commonwealth of Massachusetts. The State Board of Charities of New York would be pleased to know from the Commissioners of Massachusetts, what would be the

future policy of their State in regard to the class of persons named, and whether its Board of Health, Lunacy and Charity, were disposed and had the power to correct the evils complained of.

The Commissioners of Massachusetts at the outset asked for the precise data upon which the complaint was founded.

The Commissioners of New York preferred to discuss the principles involved with a view to shortening the controversy, and in the hope of arriving at some satisfactory basis for the just and reciprocal transfer of the classes named between the two States.

The Massachusetts Commissioners still insisting upon some statistical data, Commissioner Donnelly of New York referred to the Massachusetts State Reports, showing that nearly 20,000 paupers had been discharged by the Massachusetts authorities, of whom 7,000 were, by the testimony of the same reports, delivered in New York in ten years. That, he thought, was of itself a fact serious enough to satisfy the Commissioners that the complaint rose to the magnitude of a grievance. An analysis of the cases would show that a certain number were lunatics and paupers of different classes. He thus contended that their own reports were a sufficient allegation.<sup>1</sup>

Secretary Hoyt, of New York, stated that the reasons actuating the Board in not presenting a larger number of cases in support of the allegation were, that in the correspondence of 1877, already referred to, the facts were admitted and an attempt was made by Massachusetts to justify her action. In support of this statement the following extract from a letter of 27th of November, 1877, in reply to the original complaint of the New York Board, was read:

It would be unjust to ask us in the case of a pauper tramping from the west through New York to Maine, or to the Canadas, to send him the whole distance back to his home. We pass him to New York in the expectation that you will send him along to Pennsylvania or Ohio according as the circumstances may require, as you would send a man tramping from the Canadas through Massachusetts to New York back to Boston, for us to pass along to Canada. Or suppose a stowaway on a coast-wise vessel from Washington lands at Boston and tramps to New York, would you not feel that you had performed your whole duty by returning him to Massachusetts? . . .

Perhaps some better system than the present might be adopted, but it should be done only after a free conference of the parties interested and the

<sup>1</sup> [The statistical information referred to by Commissioner Donnelly, which had been pre-sented to the Board in 1877, by Assistant Secretary Fanning, is contained in appendix, pp. 279-80. It is necessarily omitted here.]

present system should we think be retained until another is substituted. Certain it is that we are constantly receiving paupers from New York as well as from other States, sent us for no other reason than that they made Boston their port of landing, or were born and formerly resided in this State.

President Letchworth, of New York, thought the discussion should be confined to the principles of equity involved. Was the action of Massachusetts right or wrong, referring to the first class complained of, viz.:

*First.*—Persons belonging to other States and Canada transported to this State by Massachusetts authorities and left here without the means to proceed to their destination.

Commissioner Donnelly, of Massachusetts, assumed that this class referred to tramps who had entered Massachusetts from New York.

Commissioner Donnelly, of New York, denied that it was confined to tramps. It included paupers and insane of all descriptions belonging to States other than New York, having no claim upon that State, who being found in Massachusetts, and assumed not to belong there were turned over to New York.

Commissioner Donnelly, of Massachusetts, said that Massachusetts was charged with removing from her State to New York, paupers who had no claim on the State of New York. He would like to hear the charge substantiated.

COMMISSIONER LOWELL, of New York: Is it denied by the Massachusetts Board?

COMMISSIONER DONNELLY, of Massachusetts: So far as we have knowledge it is not done, that is those *who have no claim* upon the State of New York. We say that persons who have come to us from New York can rightfully be returned to New York. We claim we have sent no persons from Massachusetts to New York who have not come from New York to us.

COMMISSIONER DONNELLY, of New York: Massachusetts assumes that every person who gets into the State from ours, belongs to our State, and is sent back without further inquiry.

The Massachusetts commissioners still called for exact information as to the persons complained of, and Commissioners Miller and Anderson, of New York, while expressing their disappointment at the attitude taken by Massachusetts, suggested the propriety of the secretary reading a few specimen cases.

Secretary Hoyt, of New York, then read the particulars of the case of Henry Morrisett, as follows:

Henry Morrisett, who, with his wife and infant child, was found in distress at the Boston and Albany depot, in the city of Albany, November 24th, 1873, being sworn before J. J. Gallup, justice of the peace, deposed as follows: "I was born in Quebec, Lower Canada, and am 27 years of age; my occupation for the past six years has been a clerk in the lumber business, in the employ of Henry Denning, lumber dealer and ship builder, in Quebec; being thrown out of employment I left Quebec in August, and went to Boston, Massachusetts, thinking I might find work; after looking in vain for employment and spending the little money I had laid by, I was compelled to apply to the Commissioners of Charities, who sent me to Albany, N.Y.; wife and myself are in feeble health and without means, and I am brought to the extremity of asking charity."

The family was committed to the Albany City State Alms-House, November 25th, 1873, and on the 28th furnished transportation to their home in Quebec, Canada.

Mr. Morrisett declared that he had never before been in this State, and that neither he nor his wife, who, as well as their child, was also born in Canada, had relatives or friends in this State.

Commissioner Donnelly, of Massachusetts, did not claim the right of sending persons of that sort who had never been in New York, but there might be equity in returning persons who had been placed within the limits of Massachusetts by New York.

SECRETARY HOYT, of New York: Suppose the person had passed through New York on his way to Massachusetts, paying his own fare, and not coming into the hands of the officers of the poor of the State of New York, would you deem it right to return him to New York?

COMMISSIONER DONNELLY, of Massachusetts: That has been our practice. We pass a pauper back, from State to State, until he reaches his place of settlement. Now we are ready to hear any reasons that may be urged against it. It is an abuse for Massachusetts to send a pauper to New York who has not been in New York State. We deny that it has the sanction of the Massachusetts authorities.

COMMISSIONER MILLER, of New York: Suppose the case of a person proceeding from Ohio by rail to Massachusetts, passing through New York *in transitu* merely, do you claim that going by rail through New York to Massachusetts confers an obligation on the State of New York in regard to that person?

COMMISSIONER DONNELLY, of Massachusetts: New York gets the benefit of the transportation. Your corporation lands him on us, and we claim the right to return him again. But cases of exactly that character are rare.

For a better understanding of the nature of the acts complained of the Peblow case was read by Assistant Secretary Fanning, as follows:

On August 30, 1877, Henry Peblow called at the office of the State Board of Charities in Albany about 9 o'clock A.M., and made application for aid. Says he is an Englishman by birth, aged 28 years, has a wife, and one child  $2\frac{1}{2}$  years old. He came to this country six years ago, landed at the port of New York. For nearly four years last past he has worked in a paint and oil shop in Chicago. For two years, for John F. Weare & Co., 205 Randolph St. This summer was thrown out of employment by the closing of the house, and with his family went to Boston, Mass., to look for work. He arrived in Boston July 16, and sought for work among the correspondents of his old employers but was unsuccessful in this and in all other attempts to find employment. He used up his money, sold his spare clothing and articles of furniture, and at last made application to the authorities for assistance. He stated that Mr. Wrightington gave him a pass for himself and family to come to Albany. He says he objected to coming here as he was an entire stranger. He wished to go to Detroit where he had friends who would assist him. The Massachusetts authorities assured him that he would be sent on from here and directed him to apply at this office. They did not furnish him with any means of support and the family have been without food for six hours.

"My wife sold the shoes from her feet to procure our last meal." They arrived in Albany at 10 o'clock last night and spent the night in the depot. He has no money nor means of support whatever.

STATE OF NEW YORK }  
CITY AND COUNTY OF ALBANY } ss.:

Henry Peblow being duly sworn says that he is the identical Henry Peblow named in the foregoing statement. That said statement has been read to him and that the facts therein set forth are true.

HENRY PEBLOW

Subscribed and sworn before me,  
this 30th day of August, 1877,

JAS. O. FANNING

*Notary Public in and for Albany Co.*

COMMISSIONER DONNELLY, of Massachusetts: Does the affidavit state that he came by way of New York from Chicago?

ASSISTANT SECRETARY FANNING, of New York: It does not state it, but the facts are that he passed directly from Chicago to Boston.

The Massachusetts commissioners drawing attention to the omission in the affidavit to state whether the party came from Chicago via New York and whether he made any stay in the latter place, said that such cases reached the extreme verge of the obligation, and alluded to

the responsibility of railroad corporations having charters in Massachusetts, for bringing persons into the State who became paupers within one year. They were required to take them out of the State again at their own expense. The Massachusetts commissioners claimed that it rested with New York to show that their practice in this regard was inequitable and erroneous.

COMMISSIONER ANDERSON, of New York: If a person is found in a New York alms-house, who is a resident of Ohio, Illinois, or any other State, we return that person to his residence wherever it may be, if he has friends there and wishes to go. If he is sick and weak, he is sent under an escort. If he is an insane person, we put him under proper care and deliver him to the authorities to be placed in an insane asylum. The habit of sending paupers from parish to parish in past years, as practiced in England and some of the States of the Union, we suppose to have become obsolete. It has been the origin, to a great extent, of the tramp system. We have abolished this transfer system in the State of New York. We have thought it a very improper one, and we have supposed that it was eminently fit that it should be abolished as between States. This is clear, however, that no obligation is assumed by the State of New York by the mere fact of a man having landed in New York City from a foreign port. When a person goes, in good faith, to reside in Massachusetts, or in any other State, lives there for a number of years, it seems to us that such locality is bound to construct their settlement laws on such principles that if he become dependent he will be taken care of. If he has not acquired a legal settlement, the State has a right to choose between two alternatives, either to maintain him for the period of his life, or to send him to the locality which by the usage of civilized nations is morally bound to take care of him. But in order to get rid of such a burden, there is no equity or justice in Massachusetts imposing it upon an innocent State which has no color of obligation to maintain such person. This proposition is so plain and clear as to need no argument. It is a principle recognized in international law always as between independent States, that the transfer of paupers from one country to another, under such circumstances, is a violation of international comity. The attempt of Massachusetts to impose the support of a pauper belonging to Ohio or Canada upon the State of New York, cannot be justified. We ask that Massachusetts, if it has a State pauper who is not a resident but belonging to the State of Ohio, that it shall transfer him to Ohio direct, and not to New York. I think this proposition will be perfectly clear, and will be admitted

by all to be just and fair, also when applying to immigrants from foreign countries. A person being an immigrant landing at the city of New York proceeds directly to Massachusetts, and becomes a resident there, should, if reduced to pauperism be cared for by Massachusetts, or be sent by Massachusetts to the country from which he came. The mere fact of his landing at New York creates no obligation for that State to support him when he becomes dependent. We recognize, of course, the binding force of the contract of our Emigrant Commissioners, arising from head money, to support him for five years. But even that contract lapses after that period expires. A very large proportion of the paupers which have been transferred by Massachusetts to this State, have had no claims whatever upon the New York Emigrant Commissioners.

COMMISSIONER LOWELL, of New York: In this case the welfare of the pauper himself ought to be considered. The claims of common humanity are to be taken into consideration apart from the great interest of the State. Massachusetts has, in these two cases read for the information of the gentlemen, not only pursued a selfish policy, but has been utterly negligent of the welfare of the individual. If it be true as stated, she has pushed these persons out of the limits of Massachusetts with no regard whatever for their welfare. Both of these cases were of decent respectable people. If Massachusetts chose to support them it would be perfectly proper to do so, but she had no right to send them to New York under the circumstances.

Commissioner Donnelly, of Massachusetts, urged as a great difficulty in dealing with the question of transfer the fact that Massachusetts had no jurisdiction beyond her State line. He referred, by way of illustration, to a party whom they proposed transferring to Philadelphia, who, when in New Jersey, objected to go farther, and calling upon the authorities of that State to interfere, was set at liberty. He claimed that there was a legal difficulty in following the policy recommended by New York.

Commissioner Miller, of New York, replied that in New York the party was sent out of the State with his own consent.

Commissioner Donnelly, of Massachusetts, said they would not in such a case consult his volition, but send him on. He further claimed that Massachusetts supported a large number of paupers in her lunatic asylums and alms-houses who had no legal claim upon the State, simply on the ground of their having family ties in the State which it was not desirable to break up.



Commissioner Davis, of Massachusetts, thought that by the action of the Emigrant Commission, New York admitted a certain responsibility for parties arriving at the port of New York who were liable to become paupers. She claimed to take charge of them for five years after their arrival.

I am merely illustrating this as an equitable principle. It is easy to understand that many such cases arrived in the port of New York, and that while they may have been a considerable length of time out of New York State, and moving about other States, as tramps, that their stay in Massachusetts had been very short. Certainly, Massachusetts has a right to protect herself from this class of immigrants. If they remain a certain length of time in Massachusetts, long enough to become substantially inhabitants, I suppose we should be willing to admit the responsibility of Massachusetts for their maintenance; but when they have arrived but recently there, we have the right to deport them. Suppose there should be an international law with reference to foreign immigrants, the utmost we could do would be to have certain treaty regulations making their port of exit responsible, or the country from which they came, and to send them back there, they in their turn disposing of them according to their treaty obligations. That would be our position today. New York is the port from which this mass of paupers and criminals radiate over this country. We may get, and we do get, a very large part of it, and we are entitled to protection. It seems to me that we could very easily come to some agreement with reference to paupers who are recent immigrants to this country through this port. It seems also that there you must assume the responsibility, and that there must be a limit to our responsibility. I cannot see the impropriety of our State law. In regard to the other class, where persons have gone the length of New York, or through certain portions of New York, upon railroads, who prove to be paupers almost on their arrival in Massachusetts, and where we have no rights beyond the limits of our own State, it seems that there is a propriety in transferring those persons to the point from which they came; in other words, so far as we are concerned, there is a responsibility resting upon New York for the transfer through her limits into our limits of this pauper class which may in time become a very great grievance, and Massachusetts would be justified in returning them by the way they came. As regards the equity involved in transporting these persons from point to point, take a case—a pauper comes from Illinois, passes into Ohio, from there into Pennsylvania, from there into New York, and finally passes from New York into Massachusetts. Now it seems to me to be asking a great deal of Massachusetts to take that person, send him through New York, through Pennsylvania into Ohio and back again into Illinois. New York has taken the responsibility in importing that person into Massachusetts. Her railroads have had the advantages of the transportation,

and it seems to me that an abuse would much more readily occur if a different principle were adopted than the one adopted by Massachusetts. We should like to have you show us wherein our error consists. . . .

COMMISSIONER ANDERSON, of New York: That principle is the descendant of the old English principle; that every man born in England, however much he may be naturalized in the United States, was liable to be pressed into the English navy. This settlement law of Massachusetts seems to be an extension of that principle.

COMMISSIONER LOWELL, of New York: It is quite interesting to see what the impression in England is of their own settlement laws. In 1847 a committee of the House of Commons passed the following resolutions:

1. That the law of settlement and removal is generally productive of hardships to the poor, and injurious to the working classes by impeding the free circulation of labor.
2. That it is injurious to the employees of labor and impedes the improvement of agriculture.
3. That it is injurious to the rate-payers by occasioning expense in litigation and removal of paupers.
4. That the power of removing destitute poor persons from one parish to another in England and Wales be abolished.

Those were the resolutions of the committee in 1847. There was no legislation following.

This year another committee reported July 10, 1879, the following recommendation:

Your committee recommend that in England the law of removal should be abolished, and that for the purposes of poor relief, settlement should be disregarded, with the following exception:

That with respect to sea-port towns, persons landing in a destitute condition and immediately applying there for relief be chargeable to the place of their settlement for non-resident in-door relief.

So that the outcome of the resolution, referring to the practice and experience in England, is the recommendation that the whole thing be done away with as an injury to the poor. One great point made by the local board of inspection in their testimony before this committee in July last, was, that it was an impediment to the working people, the fact that they could, when they became chargeable, be removed and that they had no right in the place where they were working. It seems to me as we are discussing this question, and as the Massachusetts laws

are the outcome of the English laws, that it is well for us to see the view in which they are held in England.

DR. WHEELWRIGHT, of Massachusetts: They solved that problem in 1847, by sending over numbers of their sick here.

COMMISSIONER DAVIS, of Massachusetts: In England it is a simple matter of convenience between localities all under the same government. Here, of course, it is a question between States, and it is different. As Mr. Wrightington said, it is very evident that we do not have common premises upon which to argue. Our laws must be assimilated first.

COMMISSIONER LOWELL, of New York: The main point of this inquiry of the committee of the House of Commons, was in reference to the Irish paupers, because the laws of England and Ireland were entirely different. The English may remove paupers. The Irish may not remove them. Consequently there was complaint on the part of the Irish that paupers from England were being removed to Ireland, and Ireland had no power to do the same thing. And this injustice toward Ireland was one of the points of inquiry, and one point was whether they had not better have the law of Ireland rectified, giving them power to remove paupers. But the decision was the other way.

#### 4. The Massachusetts Point of View<sup>1</sup>

##### DIVISION OF TRANSPORTATION

Here it may be proper to state that a Committee of this Board has been in conference with the State Board of Charities of New York, touching the matter of transportation of paupers who come from New York to Massachusetts. The subject was first brought to this Board's attention in a communication from Mrs. Lowell, of the New York Board, in August last, although some correspondence had been previously carried on between the New York Board, and the former Massachusetts Board of State Charities.

At the conference which was held in New York City in November of this year, the practice in Massachusetts, of removing beyond its borders paupers having no legal settlement in the State was complained of, and the persons removed were described and classified by the New York Board of Charities as follows:

*First*, Inhabitants of Western States and of Canada, temporarily resident in Massachusetts, having entered the State from New York,

<sup>1</sup> Extract from *First Annual Report of the State Board of Health, Lunacy, and Charity of Massachusetts* (January, 1880), pp. l-iii.

who, desirous of returning to their homes, were furnished transportation to New York, and instructed to apply to the authorities of that State for transportation to some point beyond its borders.

*Second*, Former residents of the State of New York, though later residents of Massachusetts, who were returned to the first mentioned State, when applicants for public aid.

*Third*, Foreigners landing in New York, and subsequently residing in Massachusetts, who were returned to the former State when applicants for public aid.

As to the first class it was answered, that the fact of their applying for public aid, usually soon after their arrival in this State, was presumptive evidence that, if they did not seek immediate relief on their arrival, they were in that condition of mind or body soon to require support or relief; and it was therefore unjust to ask Massachusetts to be at the whole expense of returning them to their usual homes, if beyond New York; that they were passed to New York because they had previously passed from that State to Massachusetts, and that State would be relieved from the expense of their support by passing them on to the State from which they first entered its borders (Massachusetts having no jurisdiction of them after they had been passed beyond her State line); that if the persons referred to tramped from New York to Massachusetts, then their entrance, and their subsequent demand for public aid here was consequent upon the negligence of the authorities of New York; and if they came by public conveyance, then a law in New York similar to that upon our statute-book would compel the corporation by whose means the person was originally brought into New York to provide the means for his removal.

To the second complaint it was answered, that the settlement laws of the two States are so unlike, that there seemed no other way of equalizing the burden, for the reason that, though but a single year's residence in New York is the necessary qualification for acquiring a legal settlement, yet an absence from the State for the same period absolved that community from all further liability in this relation; whilst in this State a longer period is necessary to acquire settlement, but, once acquired, the liability to support or relieve continued from generation to generation.

To the third complaint it was answered, that foreigners falling into distress in States other than that in which they landed, are returned to their place of landing; and that this is conformable to an arrangement entered into by the authorities of Massachusetts, with the New York

Commissioners of Charities and Corrections twenty years ago, which should not be abrogated without at least some attempt being made for some other equitable adjustment of the case.

The Conference adjourned without effecting any settlement of the questions discussed. Since the return of the Committee to Boston, and the presentation of its report, an invitation has been extended to the New York Board for a further conference on the subject, to be held at Boston.

### 5. The Effect of the Conference<sup>1</sup>

The effects of all deportations by foreign local authorities, charitable societies, families and individuals, of alien criminals, lunatics and paupers, upon the city of New York, as the port of entry, are both direct and indirect, and thus doubly disastrous. Those who stay become charges upon the city. Those who go to other States may be assisted by the authorities of such States to return to New York City, as was often done in former years. Such breaches of inter-State comity by Massachusetts, resulted in the conference between the Commissioners of Health, Lunacy and Charity of that State and our State Board of Charities, held in the city of New York, November 12, 1879.

Among the points brought out by this conference, are the following.

1st. Massachusetts had deported by State authority, exclusive of those sent out by its towns and cities, during the period from 1870 to 1878, seven thousand and five paupers to the State, and mainly to the city of New York.

2nd. Massachusetts held New York responsible for the support of persons who have become dependent in that State, but had no settlement in New York, and had never been in New York, except as passengers in transit for Massachusetts. . . .

It is difficult to say how far benefit has resulted from that conference; but if Massachusetts still continues such deportations to any great extent, they are secret and indirect, through other doorways into the State, though the intended and ultimate destination of such assisted foreign paupers may be the city of New York, as the original port of entry.

<sup>1</sup> Extract from "Special Report of the Standing Committee on the Insane in the Matter of the Investigation of the New York City Asylum for the Insane," *Twenty-first Annual Report of the New York State Board of Charities for the Year 1887*, pp. 252-53. See Jeffrey R. Brackett, "The Transportation Agreement," *National Conference of Social Work* (1926), p. 532.

## B. REGIONAL ORGANIZATION OF STATES FOR THE USE OF THE PRODUCTS OF PRISON INDUSTRY

### 6. A National View of the Problem of Prison Industry<sup>1</sup>

For many years, as you know, there has been a great controversy over the question of employment. There have been private prison contracts, against which the American Federation of Labor in 1881 took an affirmative stand. There has been, on the other hand, a very strong movement growing in strength among the manufacturers of this country to force the private prison contractors out of work, and there has not always been sufficient realization of the importance of employment in the prison. There has not been sufficient realization of the importance of employment in the other institutions. There has been in our state, I am happy to say, a full recognition for several years of the necessity of complete employment for all the wards of the state, and Mr. Byers I am sure will bear me out in saying that our state hospital was the first institution in this country to introduce wide employment, which has grown by leaps and bounds in that institution in the manufacture of things worth while. There isn't time to go into the description of what they are. The same thing is true of our state institutions for feeble-minded where we have transferred from our prison our textile industry, because it is a woman's industry.

Now there is always room for a difference of opinion. We find in the small state such as New Jersey that there are times when, on account of the fact that we can more than supply our local market in some lines of goods, there is a surplus. On the other hand, we know in our experience that there is a requirement upon us as directors and as superintendents so to diversify our employment in our institutions that all the people possible can get the right kind of training, and that we cannot put all our eggs in one basket. We should have a wide diversification so that this surplus need not be a continuous matter in our thickly populated state, but it may be occasional. It may be something we can measure at the beginning of the year, and carry through the year. Now that has led to the necessity that the various states should cooperate in determining what the market is. The National Committee on Prisons and Prison Labor made up of some of the finest men and women in America who never had the faintest idea in the world that

<sup>1</sup> Extract from discussion by Burdette G. Lewis, Commissioner, Department of Institutions and Agencies, New Jersey, *Proceedings of the Annual Congress of the American Prison Association* (Salt Lake City, 1924), pp. 131-32.

they were going to develop a prison trust, except a trusteeship in the interest of the men and women in the prison, have caused a study to be made of the best prison market and the possible supply of goods. It was found that the actual possible market was something like seven hundred million dollars worth of goods a year, and the possible supply was something like three hundred and sixty millions a year. In other words, if everybody was kept working all the time in all the institutions they could not supply more than half of the market. Therefore most of the controversy over the question of whether there is enough market in the state-use field, if properly organized, as Mr. Byers said, if I may borrow his expression, is mostly "bunk," and it is "bunk" and propaganda put forward by those who have gotten rich out of employing prisoners in this country, and it is continually put forward by them.

## **7. Resolutions Adopted by Regional Conferences<sup>1</sup>**

### **RESOLUTION ADOPTED BY THE INTERMOUNTAIN INDUSTRIAL ALLOCATION CONFERENCE**

*Be it resolved*, by the Intermountain Prison Industrial Allocation Conference, participated in by official representatives of the States of Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington, Wyoming and the United States Department of Justice:

I. That all able bodied, physically fit, mentally competent male and female prisoners should be employed and not maintained in idleness.

II. That as soon as practicable, all work-competent prisoners be employed under the "States' Use" system, including public works, as the fairest method of employment alike to the taxpayers, to capital, to free labor, and to the prisoners themselves; it being recognized that the basic considerations that govern the selection of "States' Use" industries are:

a) The selection of those industries whose products will find a ready, stable and adequate market among State and local governmental agencies, within or without the State, and for which adequate raw materials are obtainable at reasonable prices.

b) The selection of industries in which the class of prisoners in the institution can be most effectively and constructively employed.

<sup>1</sup> Initial Conference, Committee on Allocation of Prison Industries, Salt Lake City, Utah, April 9, 10, 11, 1924. Publication of the National Committee on Prisons and Prison Labor.

III. That all prisoners should receive such compensation as their conduct and efficiency warrant, to be paid out of the earnings of the prison industries after all costs of prison maintenance have been deducted.

IV. That the services of the Associates for Government Service, Incorporated, be utilized whenever needed as a medium for the exchange of surplus products between the States.

V. That it is the sense of the Intermountain Prison Industrial Allocation Conference that the several States with the United States Government, together, constitute the "States' Use" system.

### 8. The Interstate Marketing of Prison Goods Authorized<sup>1</sup>

SECTION 1. *Be it enacted, etc.*, That the Department of Welfare is hereby authorized and empowered to sell to the Government of the United States, including all departments, bureaus, commissions, and other agencies thereof existing under acts of the Congress of the United States; and to the Government of any state or commonwealth of the United States, and to any county, city, borough, township, or other organized subdivision of any state or commonwealth of the United States; and to any institution maintained by, or receiving aid from, any state or commonwealth of the United States, or any organized subdivision thereof, such surplus products manufactured or prepared in the industries established by the Department of Welfare in the Eastern Penitentiary, the Western Penitentiary, the Pennsylvania Industrial Reformatory at Huntingdon, and any other correctional institution of this Commonwealth in which the Department of Welfare has established industries, as are not purchased by this Commonwealth or by any county, city, borough, or township of this Commonwealth, or by any state institution, or by any educational or charitable institution receiving aid from this Commonwealth.

SEC. 2. All receipts from the sales of surplus products herein authorized shall be paid into the manufacturing fund, for the uses and purposes of said fund, as provided by law.

<sup>1</sup> "An Act Authorizing and Empowering the Department of Welfare to Sell Surplus Products of Prison Industries to the Government of the United States . . . and to the Government of Any State or Commonwealth of the United States; and to Any County, City, Borough, Township, or Other Organized Subdivision of Any State or Commonwealth of the United States; and to Any Institution Maintained by, or Receiving Aid from, Any State or Commonwealth of the United States, or Any Organized Subdivision Thereof, April 7, 1925," *Laws of the General Assembly of the Commonwealth of Pennsylvania* (1925), p. 188.





**PART III**  
**1917 TO THE PRESENT**



## INTRODUCTORY NOTE

In this part, several subjects are dealt with. In the first place, the extension of public-welfare organization has continued so that there are now only three states in which authorities have not been set up,<sup>1</sup> and there has occurred a development in the so-called codification of the laws governing the administrative relationships in the states and effecting a departmentalization of state governments, so that the number of authorities has been greatly reduced and the principle of the single-headed authority accepted where the board form of organization had been before relied upon.

At the same time with the spread of the departmental idea of organization has gone an increasingly wide acceptance of what might be called the "case method" of treatment, with an increasing interest in the formulation of professional methods and the development of a professional personnel.

Into the subject of standards of care it is impossible to go at length. They involve the entire question of methods of professional practice and of adequacy of community resources in the different divisions of social work. Reference is made to them, and documents are included, only to the extent necessary in order that the student may (1) appreciate the difficulty in their formulation, (2) see how agreement upon them is sometimes reached, and (3) realize the difficulty with which they are enforced.

In Section I are assembled suggestive documents illustrating the departmental reorganization in certain selected states and the development of methods for securing co-operation among departments.

In Section II and Section III, too, are assembled a small number of documents illustrating the slight measure of control or of influence exercised by the state welfare organization over the county<sup>2</sup> and over the city welfare work.<sup>3</sup> The question might be raised as to the order in which these subjects are dealt with, that is, whether they should have been in Part II rather than in Part III; because, however, in some cases, the materials are very recent, it has seemed best to put them in

<sup>1</sup> Attention will be called to the action of the governor in Colorado reducing an ostensible department to a clerkship in his own office (see below, p. 559).

<sup>2</sup> Sec. II.

<sup>3</sup> Sec. III.

this part. There is also a small body of material with reference to the private charitable agency<sup>1</sup> in relation to the public-welfare organization. Since these private societies are usually incorporated and usually hold their funds in trust, there is always theoretically control by the court.

It may be that the axiom, the whole is equal to the sum of its parts, needs no supporting argument in the realm of mathematical truth. In the realm of human and especially of governmental relationships it is far from an adequate statement of the fact. The whole is something infinitely greater than the sum of its parts, and very different from any or all of them. The question of a national organization that will embody in action on a national scale the services called for, while stimulating and suggesting activity on the part of the state and through the state of every local jurisdiction must occupy the attention of the student in this field. To that subject the last section is devoted. Comment at greater length on that subject will be found in the note introducing Section V.

<sup>1</sup> Sec. IV.

## SECTION I

### INTRODUCTORY NOTE

Attention has been called above to the fact that in 1913 the United States Bureau of the Census published a *Summary of State Laws Relating to the Dependent Classes*. At that time thirty-eight states had created central authorities of one kind or another.<sup>1</sup>

It was among so great a variety of organizations and in the absence of both a recognized unit of care and an adequate accounting system that the Commission on Economy and Efficiency and the argument for greater consolidation and a more definite fixing of responsibility had their effect. Under the leadership of Governor Lowden, of Illinois, the Civil Administrative Code of Illinois was adopted, replacing the Act of 1909.<sup>2</sup> This was followed in 1919 by the Massachusetts act reorganizing the state government to include twenty departments, among them public welfare, mental diseases, health, and corrections.<sup>3</sup>

Since that time eleven states have ostensibly created departments, generally using the name "public welfare."<sup>4</sup>

<sup>1</sup> See above, Part II, Introductory Note to Section I, p. 245.

<sup>2</sup> See Documents 1 and 2.

<sup>3</sup> See Documents 6, 7, 8.

<sup>4</sup> These are California, Colorado, Idaho, Michigan, Nebraska (without abolishing or absorbing the Board of Control), New Jersey, New Mexico (really a Department of Health and Child Welfare without responsibility for the charitable or penal institutions of the state), New York, Ohio, Pennsylvania, and Washington (Department of Business Control).

For purposes of completeness it may be said that at the present time nine states (Delaware, Georgia, Indiana, Louisiana, Maine, Maryland, Montana, New Hampshire, North Carolina) have single authorities in the form of supervisory boards; nine have administrative boards that are either unpaid or ex officio—these are Connecticut, Florida, Kentucky, Oregon, Rhode Island, South Carolina, Vermont, Virginia, Wyoming. (Connecticut and Virginia are included here, although their boards have been in each case given the name "Department of Public Welfare," since in each case the change of name expressly carried no change in character of function. See, for similar change in the local field, the Massachusetts act changing the name without altering the character, powers, or duties of poor-law officials [*Acts of 1921*, chap. 146]). Ten have salaried boards of control (Alabama [control and economy], Arizona [Board of Directors of State Institutions and Purchasing Agent], Iowa, Kansas, North Dakota, Oklahoma, South Dakota, Texas, West

It should be pointed out that not all those states that created departments entirely codified their administrative organization. Nor is it true that the principle of the single-headed executive has been consistently applied. There is, in fact, a great variety of ways in which the attempt is made to introduce the advisory relationship as perhaps distinguished from the supervisory function. The New Jersey act, for example, passed in 1918<sup>1</sup>, departed from this principle and created a board, leaving to the board the selection of the commissioner. In this act, a structure very like that proposed by Mr. Wright in 1909 was created,<sup>2</sup> retaining the boards of trustees of the institutions. However, under this act the trustees are appointed by the board, as is the commissioner, and may therefore fail to represent that external and community viewpoint which is thought to be their special contribution.

This departmentalization has raised again the question of supervision and criticism. It will be recalled that after 1890,<sup>3</sup> when the Wisconsin Board of Control replaced the two state boards that had been created in 1871 and 1881 and the boards of trustees of the state institutions as well, there were prolonged and heated discussions as to the relative efficiency of the service to be secured, on the one hand, by the centralized administration of state institutions by an authority which should have the power of visitation and supervision as toward local institutions and agencies and private institutions and, on the other, by the unpaid supervising board co-operating with the unpaid

Virginia, Wisconsin), while four have two or more separate authorities. They are Arkansas, Minnesota, Missouri, and Tennessee. California really belongs with this group, but because of recent legislation ostensibly creating a Department of Public Welfare it is listed above. Arkansas really has three boards, as there is an honorary board for the administration of the penitentiary. Missouri, which has a State Board of Charities, has also a Board of Managers of Eleemosynary Institutions, and a Department of Penal Institutions.

It is interesting to note that the department created on March 16, 1926, in the District of Columbia is an unpaid continuous board of nine, appointed by the commissioners of the district and a director likewise appointed by the commissioners as are the members of the institutional staffs of the district, and that the Utah Commission, reporting in 1923, recommended the creation of an unpaid supervisory board with a salaried executive, to function especially in relation to the Juvenile Court, and also a Board of Control to replace the separate boards of trustees of state institutions.

<sup>1</sup> See Documents 4 and 5.

<sup>2</sup> See above, Part II, Sec. III, Document 8.

<sup>3</sup> See above, Part II, Sec. I, Document 11, and Sec. III.

boards of trustees of state institutions. To the reader of today the heated discussions on this subject seem very remote. It is, however, to be noted that the peculiar supervising function of the earlier state authority has almost been abandoned as hopeless of accomplishment, and not infrequently sight is lost of the possible difference between the service rendered in this field as compared with other governmental services. If the streets are not paved, if order is not maintained, if wasteful practices prevail in other fields, the ordinary citizen suffers, in his comfort, his safety, his pocket-book. He suffers, and he knows it. If these benevolent or welfare institutions and agencies are more unskilfully and incompetently administered than is inevitable in the present state of professional practice in the various lines of service, the citizen may not know if reports are not forthcoming; he may not be able to judge, if there is a question as to the appropriate standard; and, if he suffers, it is in his right to live in a community whose level of humane and scientific treatment of the weak is not too low—something quite different from his right to clean, safe streets in an orderly community. The argument for provision for continuous skilful supervision with regular honest reporting becomes therefore persuasive. It is a need, however, either substantially ignored under the prevailing departmentalized organization of state government or, if recognized in the statute, defeated in the administration. For example, since 1921, there have been no appointments in Illinois to the Board of Commissioners, and in 1921 and 1923 no appropriations were made for the executive officers and traveling expenses of that board. In 1925 an appropriation was made,<sup>1</sup> but no organization has been effected. And as to the possibility of really advising under acts similar to the Massachusetts act, there is the question of the board members being sufficiently informed with reference to the issues or being given the opportunity to advise at a sufficiently early date.

The plan of departmentalizing, too, opens the way for a reorganization that is specious and insincere. The Colorado act<sup>2</sup> is clearly insincere, and suggests at once ulterior motives whose exposition would take the student far afield in the state's partisan political situation. Attention was called above<sup>3</sup> to the fact that, as an item in a program of alleged economy, Governor Morley, succeeding Governor Sweet, vetoed the appropriation for the secretary, and the work of the os-

<sup>1</sup> \$28,700 (Illinois *Laws*, 1925, p. 64).

<sup>2</sup> Document 10.

<sup>3</sup> See pp. 502 and 505.



tensible "department" was reduced to the part-time service of a clerk in the governor's office.

The question remains as to whether supervision is a factor in efficiency other than as an item in administrative control for the purpose of securing uniformity. If it is, the reliance upon it at present is increasingly slight; if such is not the case, the energy hitherto directed toward securing and retaining supervising agencies should be directed rather toward formulating principles of care, securing wider agreement upon questions of treatment, and developing agencies and methods for attracting into the public service persons of courage, professional attainment, and public spirit. These considerations lend special interest to the opinion with reference to the effect of the reorganization expressed by executives responsible for administration under the new scheme<sup>1</sup> and by public-spirited students of the problem.<sup>2</sup>

In addition to the question of the relation between the administrative and the supervisory authority, therefore, there arise under any scheme of departmentalization questions of interrelations among departments.<sup>3</sup> The statutes often call for the exercise of the co-operative spirit and the creation of devices for insuring co-operation. Within the state there is, in case of an *impasse*, of course, always the governor as the final source of authority. As to the possibility of effective co-operation, this will depend to a considerable degree upon the extent to which each department is governed by a well-defined set of principles so that the nature of the possible service may be clearly understood, that is, to the extent to which the services have been professionalized.<sup>4</sup> Where this is the case, close interrelations and interdependence may be developed.<sup>5</sup>

In connection with the question of departmentalization arises the question of relative cost. It has been pointed out that the movement to departmentalize is related to the movement for budgetary control and to the movement generally characterized as that in behalf of economy and efficiency. It is, however, extremely difficult to secure comprehensive and comparable materials on which to base a sound judgment as to relative costs. A new form of structure creating new avenues of approach may give greatly improved service and incur corresponding increased cost. Or ostensible economies may mean

<sup>1</sup> See Document 12 and 16.

<sup>2</sup> See Document 11.

<sup>3</sup> See Documents 3 and 8.

<sup>4</sup> See Document 14.

<sup>5</sup> See Documents 14 and 15.

simply juggling with the accounts<sup>1</sup> or reduced standards of care. In any case, there are to be considered the changed value of the dollar and the possible change in the community standard of life, as well as the increasing understanding of the community concern for adequate treatment. It is agreed that the costs of state government have increased since, for example, 1913.<sup>2</sup> The increase in the proportion allotted to welfare uses seems, however, to be relatively not so great as the total increase, to which the increased costs of education and of road construction especially contribute. The imperative need is that of such accounting and reporting, such an analysis of the costs and of the services as will render impossible the repetition of the Colorado, the California, and possibly the New Jersey discussions and make possible a judgment of methods and procedures on the basis of recorded experiences.

<sup>1</sup> For example, in the case of the State School for the Feeble-Minded in Illinois, before 1893, the per capita estimates were obtained by dividing the entire legislative grant, special as well as general, by the average number of children in the institution. After 1893, only the general appropriations were included in the estimate, and the result was an apparent decline in the cost. (See Elizabeth C. Davis, *State Care of the Feeble-minded in Illinois* [Master's thesis, Graduate School of Social Service Administration University of Chicago, 1926], p. 46 and also pp. 99-101.) In the same way, in 1910 and in the following years, when the State Board of Administration replaced the earlier boards of trustees, many changes were effected in the organization of the state institutions, especially in the methods of purchasing. It is extremely difficult to judge of the effect of this altered policy, since many other factors entered into the final estimate of cost. See *Reports of the Board of Administration of the State of Illinois* (1910-1916).

<sup>2</sup> See Edward B. Rosa, "Expenditures and Revenues of the Federal Government," *Annals of the American Academy of Political and Social Science*, XCV (May, 1921), 1-113; and Austin F. MacDonald, "The Trend in Recent State Expenditures," *ibid.*, CXIII (May, 1924), 8-15.

## DEPARTMENTALIZATION OF STATE GOVERNMENT INCLUDING PUBLIC-WELFARE ACTIVITIES

### 1. Illinois Civil Administrative Code<sup>1</sup>

SECTION 3. Departments of the State government are created as follows:<sup>2</sup>

The Department of Finance  
The Department of Agriculture  
The Department of Labor  
The Department of Mines and Minerals  
The Department of Public Works and Buildings  
The Department of Public Welfare  
The Department of Public Health  
The Department of Trade and Commerce  
The Department of Registration and Education

SEC. 4. Each department shall have an officer at its head who shall be known as a director, and who shall, subject to the provisions of this Act, execute the powers and discharge the duties vested by law in his respective department. The following officers are hereby created:

Director of Finance, for the Department of Finance  
Director of Agriculture, for the Department of Agriculture  
Director of Labor, for the Department of Labor  
Director of Mines and Minerals, for the Department of Mines and Minerals  
Director of Public Works and Buildings, for the Department of Public Works and Buildings  
Director of Public Welfare, for the Department of Public Welfare  
Director of Public Health, for the Department of Public Health  
Director of Trade and Commerce, for the Department of Trade and Commerce  
Director of Registration and Education, for the Department of Registration and Education

<sup>1</sup> Extract from "An Act in Relation to the Civil Administration of the State Government, and to Repeal Certain Acts Therein Named, March 7, 1917," *Laws of the State of Illinois* (1917), pp. 4-28.

<sup>2</sup> [Two additional departments have been created, namely, a Department of Purchases and Construction and a Department of Conservation. See *Laws* (1925), p. 585.]

SEC. 5. In addition to the directors of departments, the following executive and administrative officers, boards and commissions, which said officers, boards and commissions in the respective departments, shall hold offices hereby created and designated as follows:

THE DEPARTMENT OF LABOR

Assistant Director of Labor  
Chief Factory Inspector  
Superintendent of Free Employment Offices  
Chief Inspector of Private Employment Agencies  
The Industrial Commission, which shall consist of five officers designated  
Industrial Officers

THE DEPARTMENT OF PUBLIC WELFARE

Assistant Director of Public Welfare  
Alienist  
Criminologist  
Fiscal Supervisor  
Superintendent of Charities  
Superintendent of Prisons  
Superintendent of Pardons and Paroles

THE DEPARTMENT OF PUBLIC HEALTH

Assistant Director of Public Health  
Superintendent of Lodging House Inspection

THE DEPARTMENT OF REGISTRATION AND EDUCATION

Assistant Director of Registration and Education  
Superintendent of Registration

The above named officers, and each of them, shall, except as otherwise provided in this Act, be under the direction, supervision and control of the director of their respective departments, and shall perform such duties as such director shall prescribe.

SEC. 6. Advisory and non-executive boards, in the respective departments, are created as follows:

THE DEPARTMENT OF LABOR

A board of Illinois Free Employment Office Advisors, composed of five persons  
A board of local Illinois Free Employment Office Advisors, for each free employment office, composed of five persons on each local board

## PUBLIC WELFARE ADMINISTRATION

## THE DEPARTMENT OF PUBLIC WELFARE

A board of Public Welfare Commissioners, composed of five persons

## THE DEPARTMENT OF PUBLIC HEALTH

A board of Public Health Advisors, composed of five persons

## THE DEPARTMENT OF REGISTRATION AND EDUCATION

A board of Natural Resources and Conservation Advisors, composed of seven persons

A board of State Museum Advisors, composed of five persons

The members of each of the above named boards shall be officers. . . .

SEC. 9. The executive and administrative officers whose offices are created by this Act shall receive annual salaries, payable in equal monthly installments, as follows:

## THE DEPARTMENT OF PUBLIC WELFARE

The Director of Public Welfare shall receive seven thousand dollars

The Assistant Director of Public Welfare shall receive four thousand dollars

The Alienist shall receive five thousand dollars

The Criminologist shall receive five thousand dollars

The Fiscal Supervisor shall receive five thousand dollars

The Superintendent of Charities shall receive five thousand dollars

The Superintendent of Prisons shall receive five thousand dollars

The Superintendent of Pardons and Paroles shall receive five thousand dollars

SEC. 10. No member of an advisory and non-executive board shall receive any compensation.

SEC. 11. Each executive and administrative officer, except the two food standard officers, the members of the Mining board, and the members of the Normal School board shall devote his entire time to the duties of his office and shall hold no other office or position of profit.

SEC. 12. Each officer whose office is created by this Act shall be appointed by the Governor, by and with the advice and consent of the Senate. In any case of vacancy in such offices during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the Senate is not in session at the time this Act takes effect, the Governor shall make a temporary appointment as in case of a vacancy.

SEC. 13. Each officer whose office is created by this Act, except as otherwise specifically provided for in this Act, shall hold office for a term of four years from the second Monday in January next after the election of a Governor, and until his successor is appointed and qualified. . . .

SEC. 16. The director of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 17. Each department shall maintain a central office in the capitol building at Springfield, in rooms provided by the Secretary of State. The director of each department may, in his discretion and with the approval of the Governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 18. Each department shall be open for the transaction of public business at least from eight-thirty o'clock in the morning until five o'clock in the evening of each day except Sundays and days declared by the negotiable instrument Act to be holidays.

SEC. 19. Each department shall adopt and keep an official seal.

SEC. 20. Each department is empowered to employ, subject to civil service laws in force at the time the employment is made, necessary employees, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation.

SEC. 21. All employees in the several departments shall render not less than seven and one-half hours of labor each day, Saturday afternoons, Sundays and days declared by the negotiable instrument Act to be holidays excepted in cases in which, in the judgement of the director, the public service will not thereby be impaired. . . .

SEC. 25. Each director of a department shall annually on or before the first day of December, and at such other times as the Governor may require, report in writing to the Governor concerning the condition, management and financial transactions of their respective departments. In addition to such reports, each director of a department shall make the semi-annual and biennial reports provided by the Constitution. The departments shall make annual and biennial reports at the time prescribed in this section, and at no other time.

SEC. 26. The directors of departments shall devise a practical and

working basis for co-operation and co-ordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, co-operate with each other in the employment of services and the use of quarters and equipment. The director of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates. . . .

SEC. 35. The following offices, boards, commissions, arms, and agencies of the State government heretofore created by law are hereby abolished, viz.: [Here follows a list of the officers whose powers and duties are transferred to the new departments.] . . .

#### THE DEPARTMENT OF FINANCE

SEC. 36. The Department of Finance shall have power:

1. To prescribe and require the installation of a uniform system of bookkeeping, accounting and reporting for the several departments;
2. To prescribe forms for accounts and financial reports and statements for the several departments;
3. To supervise and examine the accounts and expenditures of the several departments;
4. To examine, at any and all times, into the accuracy and legality of the accounts, receipts and expenditures of the public moneys and the disposition and use of the public property by the several departments;
5. To keep such summary and controlling accounts as may be necessary to determine the accuracy of the detail accounts and reports from the several departments, and to prescribe the manner and method of certifying that funds are available and adequate to meet all contracts and obligations;
6. To prescribe uniform rules governing specifications for purchases of supplies, the advertisement for proposals, the opening of bids and the making of awards, to keep a catalogue of prices current and to analyze and tabulate prices paid and quantities purchased; . . .
11. In settling the accounts of the several departments, to inquire into and make an inspection of articles and materials furnished or work and labor performed, for the purpose of ascertaining that the prices, quality and amount of such articles or labor are fair, just and reasonable, and that all the requirements, express and implied, pertaining thereto have been complied with, and to reject and disallow any excess;

12. To prepare and report to the Governor, when requested, estimates of the income and revenues of the State;

13. To prepare and submit to the Governor biennially, not later than the first day of January preceding the convening of the General Assembly, a State budget;

14. To publish, from time to time, for the information of the several departments, and of the general public, bulletins of the work of the government;

15. To investigate duplication of work of departments, and the efficiency of the organization and administration of departments, and to formulate plans for the better co-ordination of departments.

SEC. 37. In the preparation of a State budget, the Director of Finance shall, not later than the fifteenth day of September in the year preceding the convening of the General Assembly, distribute to all departments and to all offices and institutions of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) the proper blanks necessary to the preparation of budget estimates, which blanks shall be in such form as shall be prescribed by the Director of Finance, to procure, among other things, information as to the revenues and expenditures for the two preceding fiscal years, the appropriations made by the previous General Assembly, the expenditures therefrom, encumbrances thereon, and the amounts unencumbered and unexpended, an estimate of the revenues and expenditures of the current fiscal year, and an estimate of the revenues and amounts needed for the respective departments and offices for the two years next succeeding beginning at the expiration of the first fiscal quarter after the adjournment of the General Assembly. Each department, office and institution (including the elective officers in the executive and judicial departments and including the University of Illinois) shall, not later than the first day of November, file in the office of the Director of Finance its estimate of receipts and expenditures for the succeeding biennium. Such estimates shall be accompanied by a statement in writing giving facts and explanation of reasons for each item of expenditure requested. The Director of Finance, may, in his discretion, make further inquiries and investigations as to any item desired. He may approve, disapprove or alter the estimates. He shall, on or before the first day of January preceding the convening of the General Assembly, submit to the Governor in writing his estimates of revenues and appropriations for the next succeeding biennium.



SEC. 38. The Governor shall as soon as possible and not later than four weeks after the organization of the General Assembly submit a State budget, embracing therein the amounts recommended by him to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. Together with such budget, the Governor shall transmit the estimates of receipts and expenditures, as received by the Director of Finance, of the elective officers in the executive and judicial departments and of the University of Illinois.

SEC. 39. Each department shall, before an appropriation to such department becomes available for expenditure, prepare and submit to the department of finance an estimate of the amount required for each activity to be carried on, and accounts shall be kept and reports rendered showing the expenditures for each such purpose. . . .

#### THE DEPARTMENT OF PUBLIC WORKS AND BUILDINGS

SEC. 49. The Department of Public Works and Buildings shall have power: . . .

11. To purchase and supply all fuel, light, water and other like office and building services for the several departments except where the same are now supplied by the Secretary of State;

12. To procure and supply all furniture, general office equipment and general office supplies (other than stationery and office supplies distributed through the office of the Secretary of State) needed by the several departments;

13. To procure and supply all clothing, instruments and apparatus, subsistence and provisions for the charitable, penal and reformatory institutions;

14. To procure and supply all cots, beds, bedding, general room and cell equipment, agricultural implements, harness, stable and garage supplies, household supplies, periodicals, machinery and tools, medicines and medical supplies, plumbing, light and engine supplies, wagons and other vehicles and workshop supplies needed by the several departments; . . .

15. To prepare, or cause to be prepared, general plans, preliminary sketches and estimates for the public buildings to be erected for any department;

16. To have general supervision over the erection and construction of public buildings erected for any department, and over the inspection of all materials previous to their incorporation into such buildings or work;

17. To make contracts for, and supervise the construction and repair of buildings under the control of any department;

18. To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of any department;

. . . .

23. To lease, for a term not exceeding two years, office space in buildings for the use of the several departments;

24. To have general supervision and care of storerooms and offices leased for the use of the departments. . . .

#### THE DEPARTMENT OF PUBLIC WELFARE

SEC. 53. The Department of Public Welfare shall have power:

1. To exercise the rights, powers and duties vested by law in the board of administration, the fiscal supervisor, and other officers and employees of the board of administration;

2. To exercise the rights, powers and duties vested by law in the State deportation agent, his assistants, other officers and employees;

3. To exercise the rights, powers and duties vested by law in the State agent for the visitation of children, his assistants, other officers and employees;

4. To exercise the rights, powers and duties vested by law in the commissioners, warden, deputy wardens, chaplains, physicians, stewards, matrons, turnkeys, watchmen, and all other officers and employees of the Illinois State penitentiary at Joliet;

5. To exercise the rights, powers, and duties vested by law in the commissioners, warden, deputy warden, chaplain, physician, steward, matron, turnkeys, watchmen, and all other officers and employees of the Southern Illinois penitentiary;

6. To exercise the rights, powers and duties vested by law in the board of managers of the Illinois State reformatory, its superintendent, chaplain, physician and all other officers and employees;

7. To exercise the rights, powers and duties vested by law in the board of prison industries of Illinois, its officers and employees;

8. To exercise the rights, powers and duties vested by law in the board of prison industries of Illinois, the president of the State Board of Public Charities, and the Auditor of Public Accounts of Illinois, con-

stituting a board known as the board of classification, its officers and employees;

9. To exercise the rights, powers and duties vested by law in the board of pardons, its secretary and other officers and employees.

SEC. 54. The board of public welfare commissioners shall, in addition to the power vested by this Act in advisory and non-executive boards, have power, and it shall be its duty:

1. To investigate into the condition and management of the whole system of charitable, penal and reformatory institutions of the State, including State hospitals, penitentiaries, reformatories, jails and almshouses;

2. To investigate, when directed by the Governor, into any or all phases of the equipment, management or policy of any State charitable, penal or reformatory institution, and report its findings and recommendations to the Governor;

3. To inquire into the equipment, management and policies of all institutions and organizations coming under the supervision and inspection of the Department of Public Welfare;

4. To collect and publish annually statistics relating to insanity and crime.

## 2. Public Welfare Problems<sup>1</sup>

The Department of Finance is also required, under the Administrative Code, to prepare a budget, and full powers were vested in the Department to make any investigation which might be necessary to enable it to formulate intelligently the financial needs of the State for the next biennium. Such investigation has been made and the budget has been prepared as required by law, and will be submitted to your Honorable Body. It will be readily seen that the Director of Finance began, in fact, preparing for the budget on July 1, 1917, for when he exercised his powers of supervision over the accounts of the several activities of the State, he began to form some idea as to the real needs of the State. At this time I need only say that the budget is the result of many months of exhaustive study and arduous work. I believe that it will commend itself to your wisdom.

### PUBLIC WELFARE PROBLEMS

Perhaps the Department of Public Welfare has labored, during the war, under greater difficulties than any other department of our gov-

<sup>1</sup> Extract from *Biennial Message of Frank O. Lowden, Governor of Illinois, to the Fifty-first General Assembly, January 8, 1919*, pp. 5-7.

ernment. Though the minimum wages of attendants were increased 40 per cent, it was impossible to secure competent attendants in anything like sufficient numbers. The drafts specially made upon physicians and nurses in the service by the War Department and the Red Cross threatened to demoralize the service. In some instances, the entire medical staff of a hospital, with the exception of superintendent and assistant superintendent, was changed twice during the war. At one time the situation was so serious that I deemed it necessary to make a direct public appeal to the people to engage in the necessary work at the State institutions in order that we might not have to close them.

Much trouble, too, was had in procuring sufficient and satisfactory food for the inmates of the institutions because of government requirements. At best, where food must be prepared in such large quantities, the problem is a hard one. Means have been provided, however, by which it is hoped that this situation will be permanently improved.

Special attention has been given to the farms connected with the different institutions. The Department of Public Welfare, in co-operation with the Department of Agriculture, has reorganized the activities of these farms. They have been made very productive and profitable in every instance. Indeed, they have been a very large factor in helping us to meet the food problem at all. We have demonstrated that these farms are not only a source of considerable revenue to the institutions, but they also afford healthy and wholesome occupation for the inmates of the institutions, who are suited to this work. In addition to this, there is no reason why each of the institution farms should not be an object lesson making for better agriculture in its community.

Under all the circumstances, it is submitted that the State institutions have functioned much better than could have been expected. The officers of these institutions, who overcame their difficulties and embarrassments during these trying times, are entitled to the gratitude of the people of Illinois. I visited most of the institutions myself and know something of the appalling obstacles they had to overcome.

The buildings and equipment of the State institutions were found to be in bad physical condition. That condition has been considerably improved by utilizing the labor of inmates of the institutions. It has been the policy of the Department to furnish occupation, wherever possible, to the population of all the State institutions. Healthful and congenial occupation has been found to be an important factor in restoring to normal condition insane patients and other defectives of society. That it adds to their general well-being and happiness, there

can be no doubt. In fact, it is believed that the ideal form for State institutions to take is the community form, with the inmates contributing as largely as possible to the needs of the community life.

A survey has been made of the buildings, with equipment, belonging to the State, and it has been estimated that the natural depreciation of those buildings will amount to 2 per cent annually. In the budget that will be submitted to you, an appropriation for that amount is asked, with which it is believed that all property of the State can be kept in proper repair. While it requires but a small sum annually to keep up a building, if it be allowed to go for a number of years without any repairs, the damage becomes very great. Nothing is more wasteful than delaying needed repairs to buildings.

The appropriations for buildings which we ask of your Honorable Body for the Department of Public Welfare will be something in excess of three million dollars. This amount, it is believed, is necessary to provide adequately for the growing needs of the State. It must be remembered that the wards of the State, to be cared for in the charitable institutions alone, increase at the rate of a thousand each year. The report of this department will disclose a well-thought-out and permanent plan for future development of these institutions. It is believed that a similar amount must be appropriated for buildings within that department for each biennium, if Illinois is to keep abreast of her needs and make the progress which her people have the right to expect. Instead of a large building program at one session and little or nothing at the next, I think that wise policy requires that we should plan for future development in such a way that something like the same amount for buildings can be appropriated each biennium. In this way only can rational, continuous and conservative progress be made.

The Department of Public Welfare has been consistently, from the beginning, at work upon the problems of prevention. It has sought to discover, so far as it could, the causes which have produced society's defectives. The work along this line has developed so far that it is now thought necessary to establish a separate building for the laboratory for psychopathic research, and you will be asked to make an appropriation therefor.

### 3. One-Man Control<sup>1</sup>

#### THE ILLINOIS SYSTEM

It will be noted that the Act does not empower the Department of Public Welfare to purchase supplies, or to erect or make repairs to buildings. These functions have been placed in the Department of Public Works and Buildings. That Department is empowered to purchase all supplies and equipment used by the institutions; to prepare plans for and erect buildings; to make repairs; to plan the development of grounds. All purchases except building material, engineering supplies and equipment, are made through a Superintendent of Purchases and Supplies. Building material and engineers' supplies are contracted for through a Supervising Architect. Both of these officers are division heads in the Department of Public Works and Buildings.

The Code provides, in the Department of Public Works and Buildings, for a Supervising Engineer who supervises the heating and power plants of the institutions, although such rights and duties do not seem to be clearly defined in the Code.

A Finance Department is created by the Code,<sup>2</sup> with a Director of Finance in charge, who has general financial powers over all other departments responsible to the Governor. This Department can establish forms of bookkeeping and reports; supervise and examine expenditures; establish specifications for supplies, and methods of adver-

<sup>1</sup> Extract from Henry C. Wright, *A Valuation of a System for the Administration of the State Institutions as Operated in Illinois, Made for the New York State Charities Aid Association* (1922), pp. 16-34. See above, Part II, Section III, Document 8.

<sup>2</sup> [On the question of the control of the financial agency of the administration, see Sir William Beveridge, *The Public Service in War and Peace*, pp. 6-7:

"As to financial control, the standard was set in the early days by the Ministry of Munitions; haste, regardless of expense, became the policy. The old rigid control of expenditure by the Treasury was necessarily abandoned, and was never replaced by any effective substitute. There has resulted, of course, the inevitable crop of alleged scandals and extravagances. Here it is worth while to record the fact that the people responsible for this have not been a special class of bureaucrats, but mainly the business men of the country in a new environment. The vice of the old time civil servants was certainly not extravagance, and the suggestion that business men are now required to enforce economic administration in the Civil Service is wide of the mark. When the various cases of extravagance are examined it will be found almost invariably that they are due in the main not to civil servants, ordinarily so called, but to business men spending for the first time the money of other people instead of their own, and impatient of all the detailed controls—by the Treasury or by a finance branch of their own department—by which expenditure is normally checked."

tising; approve or disapprove vouchers and bills, and formulate for the Governor a State Budget. In thus exercising his power to formulate this budget, he may modify the budgetary estimates submitted by the Department of Public Welfare. The Code thus gives the Director of Finance a very full power over the institutions in that he can establish their specifications for equipment and supplies, and can approve or disapprove all bills for expenditures.

The theory of this form of governmental organization is that the Governor shall be held responsible for the operation of the various departments under his jurisdiction. The Governor's responsibility is delegated to Directors to whom all administrative power is given as pertaining to their respective departments, except where certain functions are delegated to some other Director. Where such power is so delegated to another Director, the theory is that if conflict arises between Directors, the two Directors will confer and reach some working agreement. If, however, they fail to agree, either or both may carry the matter to the Governor, who decides it. To illustrate: Should the Director of Finance establish a form of accounting or reporting that was too exacting for the institutions; or, should he refuse to approve certain classes of expenditures, it would be the duty of the Director of Public Welfare to confer with the Director of Finance with regard to the matter, and if they fail to reach an agreement, then either or both could take it to the Governor, who would decide. Also: Purchasing for the Department of Public Welfare, as heretofore stated, is done by the Department of Public Works and Buildings. If the Superintendent of Purchases and Supplies in the Department of Public Works and Buildings does not perform his function satisfactorily to the Director of Public Welfare, that Director is supposed to confer with the Director of the Department of Public Works and Buildings to the end that any difficulties may be rectified. Should the latter Director support his division head, the Director of Public Welfare could then take the matter to the Governor, who would hear both sides of the controversy and decide what should be done in the matter.

Again, should there be a conflict between the Fiscal Supervisor and the Superintendent of Charities, both in the Department of Public Welfare, either of the two division heads could take the matter to the Director of the Department for decision.

In this form of governmental organization, the assignment of duties is clear, and the procedure for adjusting conflicts is designed to be direct and speedy.

## THE SYSTEM IN OPERATION

## RELATIVE COST OF PRESENT AND FORMER SYSTEMS

. . . . Much is claimed for economy secured by the present system. The question arises whether or not these economies are offset wholly or partly by an increased cost of operating the system as compared with the cost of operating the former Board of Administration and allied control bodies.

The expenditure for administrative purposes of the Board of Administration, of the Charities Commission, and of the Boards of Trustees of the three penal institutions for the year 1913-14 was about \$145,000. It is probable this had increased somewhat before the introduction of the new system, and it may be stated that in round numbers the annual expenditure of the former system was \$150,000. The expenditure for the Public Welfare Department, including also an estimate of that portion of the work of the Superintendent of Purchases and Supplies, of the Supervising Engineer, and of the Supervising Architect, devoted to the Department of Public Welfare, for the year 1918-1919, was approximately \$100,000. Thus, it appears that the administrative control of the state institutions under the present plan costs approximately \$50,000 annually less than it cost under the Board of Administration and the boards of trustees for penal institutions. . . .

## FORMULATION OF THE ANNUAL BUDGET

The annual budget, which in the state of Illinois is made biennially, is first made out by the Superintendent of each institution and presented to the Fiscal Supervisor in the Department of Public Welfare. He, in conference with the Superintendent of Charities and the Superintendent of Prisons, formulates a budget which is presented to the Director of the Department. The budget as approved by the Director is transmitted to the Director of Finance, who has full power to modify it. The Director of Finance is responsible for formulating the entire state budget ready for the approval of the Governor, except those for the Secretary of State, the State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Board of Equalization, and University of Illinois. The Governor presents the budget to the legislature.

This process insures a full review of the budget. The Director of the Department first formulates it. Then it is adjusted by the Director of Finance and by the Governor to the needs of all other departments.



There is appropriated to the Director of Finance, a Contingent Fund, which for the biennium 1917-1918, was \$50,000. In addition, each of the other departments, except the Department of Public Welfare, has also a contingent fund. The Director of Finance is supposed to come to the aid particularly of the Department of Public Welfare in case of a contingent or emergent need. Thus far, during the three years of the operation of the new system, the Director of Finance has been called upon but for small expenditures from the Contingent Fund, for the Department of Public Welfare. Some buildings have been repaired from such funds.

#### HANDLING OF REQUISITIONS

Requisitions are sent quarterly from each of the institutions to the Fiscal Supervisor. In addition, there is no limit to the number of special requisitions which may be sent in. Each institution, in addition, has a \$1,000 contingent fund. The requisitions are not presented to the Superintendent of Charities or to the Superintendent of Prisons, but if the Fiscal Supervisor deems it advisable to modify or eliminate any items, he takes up such items in conference either with the Superintendent of Charities or with the Superintendent of Prisons, according to which one may be interested in the proposed modification. After approval by the Fiscal Supervisor, the requisition is sent to the Director of Finance for consideration and approval. His approval is supposed to involve only the determination whether or not there are funds available out of which the articles requisitioned may be purchased. He has power, however, to raise the question whether or not any expenditures or class of expenditures is advisable. In practice, he seldom raises such question, but confines his decision to the fundamental question of whether or not there be funds available. The requisition is then sent to the Director of Public Works and Buildings for his approval to purchase. If the requisition is for building material or engineering equipment and supplies, it receives the approval of the Supervising Architect or of the Supervising Engineer. Thus, the requisitions require at least three, and possibly four, approvals before they are placed in the hands of the Superintendent of Purchases and Supplies.

The file of requisitions was examined; note was made of the date stamp of approval by each of these departments. Thus far, there seems to have been comparatively little delay in the progress of the requisitions through these departments. The requirement that the requisitions shall have all of these approvals, sooner or later is sure to cause at times serious delay—delay that will be hampering to the institu-

tions. This statement is based on a general knowledge of governmental departments.

The estimates also were examined, to determine to what extent they were modified by the Fiscal Supervisor or other approving officer, after leaving the institutions. There were surprisingly few modifications. Seldom was an article eliminated, or even reduced in amount, except in the last quarter of the year, when some reductions were made. These reductions, in connection with food, were made in such round numbers and on such classes of food as to indicate that comparatively little study and consideration had been given to the reductions made.

. . . .

#### CARE OF PATIENTS AND INMATES

It is not easy to compare the work of one administration with another, owing to the fact that it is almost impossible to measure their respective handicaps. Inevitably many things that are obviously needed cannot be done at a particular time, and must be left to some succeeding time and administration.

The Board of Administration made distinct improvements in the institutions during its period of incumbency. Standards of food and care of patients were established not theretofore existing. Many things, however, were not done which have since been accomplished by the system now in operation. In attempting to reach a comparative judgment of the two systems, consideration must be given to the relative rapidity of improvement. It must be determined whether or not there has been any recession or any "marking of time." Also, comparison should be made between the measures adopted in Illinois and those adopted in other states.

A limited attempt was made to measure such advances as may have taken place in the care of patients and inmates. This was not done by detailed examination, but by general inquiry into measures that had been adopted, and by general observation while going through the various patients' buildings of the institutions.

Two conditions in the hospitals for the insane were worthy of note: First, on going through the institutions, the absence of bars or window screens of any sort was very noticeable. The statement was made at the central office that this was the general condition. At one of the institutions, an iron fence of considerable length had been constructed out of the gratings that had been removed from the windows. In some institutions there appeared to be no locked wards, although there were probably a few. Taking the insane hospitals as a whole,

there are few window bars or screens, and sixty per cent of the wards are without locks. It was stated by the Superintendent of Charities that if the buildings were but one story high, most of the remaining locked wards would be abolished. Unfortunately, there are many of the old type of three or four story buildings.

The removal of bars and locks is an illustration of the progressive work done by the new administration. No judgment is passed as to the practicability of the almost total removal of bars and locks.

The second outstanding feature observed in these institutions, was the extended development of occupational work. Many insane hospitals throughout the United States have developed good occupational work, but in none so far as the writer is informed, has occupational work been carried to the extent that it is carried in Jacksonville State Hospital, in Illinois. As a visitor goes through the institution, he finds almost no patients in the day rooms or wards. They are carrying on occupational work in special rooms. The lowest type of dementia praecox is thus occupied. The writer secured a schedule of assignment of patients in Jacksonville State Hospital for June 9, 1920. It indicated that out of a population of 2,172, there were employed that day, 1,715. As stated by the Superintendent and by the Superintendent of Charities, this does not mean incidental employment, but practically all day employment for those listed. This employment takes a variety of forms. Some patients are employed in the care of wards and buildings; others in construction work about the institution; some are detailed to harvest fields. The largest proportion, however, are in occupational work.

The question naturally arises: Does it not require many more employees to carry on such work with the patients? This question was inquired into, and it was found that there were on the payroll August 1, 1918, 328 employees in the Jacksonville institution. At the corresponding time in 1920, there were but 284 employed. In the meantime, the occupational work had been started and developed. Many of those formerly day attendants on the wards and in the day rooms are now occupational teachers. Less night help is required, since the patients, having worked all day, usually sleep well. It was the opinion of the Superintendent and of the Superintendent of Charities, that the patients were being cared for better and were happier in their surroundings with the fewer employees of 1920 than with the greater number of 1918.

At this institution, men are detailed as harvest hands, and work on

various farms within motoring distance of the institution. There was an average of six to ten such details during the harvest season, each detail numbering from 10 to 25. The farmers come for these patients with a motor truck. They are accompanied by their attendant, and remain in his charge throughout the day, returning in the evening to the institution. These men work in the hay field, help in the harvesting of wheat and oats, and also husk corn. The writer visited one of these details on a farm some distance from the institution, and talked with the patients. They were apparently happy and contented. The question will be raised whether or not this method of detailing patients to work on farms is an advisable procedure. It is a procedure that could be easily abused, and unless properly safeguarded would undoubtedly work harm, at times, to the patients. There are no surface evidences, however, at Jacksonville, that there was any abuse. On the contrary, the system seemed to be operating to the advantage of the patients, and certainly to the profit of the institution.

The system is in operation to a much less degree in other institutions of the state, because of the location of the institutions in farming communities where such work is not called for.

Provision is made for the weighing of patients every month. These weights recorded on charts are sent to the office of the Superintendent of Charities. If loss of weight be noted, inquiry is made as to the quality and quantity of the food which has been served. Daily protein and calory determinations are sent to the Fiscal Supervisor's office. But the reports do not seem to be used as a basis of regulation. The weighing charts, however, are apparently reviewed. . . .

#### PURCHASING OF SUPPLIES

As heretofore noted, the purchasing of supplies for the institutions is assigned to the Department of Public Works and Buildings, and by the Director of that Department is delegated to a Superintendent of Purchases and Supplies, who does the buying. Some of the building materials and engineering equipment and supplies, however, are purchased by the Supervising Architect. A clear understanding could not be obtained as to when the Supervising Architect would choose to purchase and when he would choose to approve a requisition and delegate the purchase to the Superintendent of Purchases and Supplies.

No central storehouse is maintained, to which and from which supplies could be delivered. Goods are shipped direct to the institutions on order of the Superintendent of Purchases and Supplies, if the whole

contract is to be shipped at once. If subsequent shipments are to be made, order is sent by the institution to the contractor for shipment.

The Superintendent of Purchases and Supplies is supposed to exercise no initiative or opinion as to the kind, quality or quantity of supplies or equipment which the institutions are to use. He is supposed to act purely as a purchasing agent for the items on approved requisitions. So far as could be ascertained, with few exceptions, he follows this procedure. There were some instances noted, however, where a certain kind of fabric was listed on a requisition, and where substitution of a different kind was made without conference with the Superintendent of the institution, with the Fiscal Supervisor, or with the Superintendent of Charities. Though a number of instances of such substitution was discovered on the records, yet on the whole, the proportion of such substitution was so small compared with the total number of purchases, that they cannot be said to have caused any serious inconvenience to the institution. The very fact, however, that substitution can be made without conference, shows a tendency that should be carefully guarded against, since, if the practice should be extended to any degree, serious inconvenience to the institutions might result.

The Superintendent of Purchases and Supplies was a clothing merchant from Southern Illinois, a man who had been successful in business, competent as a buyer, and in this work for the state is conscientious, painstaking, and honest. His knowledge of clothing and fabrics enables him to do good buying along these particular lines, but his lack of knowledge of foods and of the methods of purchase which should be applied to them, is obvious. For instance, the samples of the successful bidder were stored, during the period of the contract, in the original containers submitted by the contractors. The containers are usually a variety of pasteboard and paper boxes. Samples readily deteriorate in such containers, and in a comparatively short time after the contract has been entered into the sample ceases to be of the same grade and character as the contract called for. Therefore, it ceases to be a standard against which the supplies of the contract are to be delivered. Again, no samples of the foods contracted for are sent to the institutions to serve as a standard against which deliveries are to be received. The only basis of judgment the receiving storekeeper can use is the printed specifications. But the Superintendent of Purchases and Supplies in some cases, at least, received samples which did not correspond to his printed specifications. He entered into a contract on the basis of the sample instead of the specifications, then failed to

send a portion of the sample to the institution. This was particularly true of evaporated apples, where the sample in the central storehouse for the July–September contract was much inferior to the terms of the specifications for apples. The failure to make it clear whether the contract is on the basis of the specifications or on the basis of a sample; the failure to keep samples in airtight containers, and the failure to send samples to the delivery points—are all a conclusive indication that the person responsible for such a system or lack of system does not exercise the knowledge which he has.

No endeavor has been made at the institution to instruct or educate the storekeepers who are responsible for receiving supplies. It might be said that this is not a function of a purchasing agent. It cannot be questioned, however, that this is a function which must be rightly performed if good purchasing is to be done. One of the important and essential elements of good purchasing is to see that the goods purchased are delivered. The Superintendent of Purchases and Supplies is in one department and receiving storekeepers are in another department. For this reason he may hesitate to initiate any procedure looking toward their instruction or regulation. Should he do so, difficulties might readily arise. This at once raises the question whether or not purchasing can be done satisfactorily by any department other than the department which uses the supplies purchased.

Purchases of supplies and equipment for the institution are made chiefly for three-months' periods. Supplementary requisitions are received from time to time, and these purchases are made as requisitions are received. The Superintendent of Purchases and Supplies has not been able to overcome one of the shortcomings of a central purchasing system, viz., contracts are made at a definite time for a definite period. That is, just preceding January 1, he contracts for the period from January 1 to April 1; preceding April 1, he contracts for the period from April 1 to July 1, and so on. This is irrespective of market conditions. One of the weaknesses of central purchasing is this definite time and definite period contract.

#### PROMPTNESS OF PURCHASING

Examination was made, at the institutions, of the correspondence between the institutions and the Superintendent of Purchases and Supplies, to determine what delays there may have been, so far as noted by correspondence, in the purchase of the supplies requisitioned.

In general, it may be said that the institutions have little ground

of complaint due to delay on the part of the Superintendent of Purchases and Supplies in ordering the goods requisitioned. The records of a number of institutions showed no appreciable delay. At some institutions, however, there was sufficient delay to cause considerable inconvenience. . . .

The main difficulty in Illinois probably is that one man is expected to furnish expert knowledge on the whole range of supplies used by the institutions, and for that matter, by all departments of the state. It is impossible that one man could have such expert knowledge. The present incumbent of the purchasing office undoubtedly has good knowledge of clothing and fabrics. Had the Governor selected a man who was well versed in foods, it is more than likely that he would have little knowledge with regard to clothing and fabrics. It would be possible to organize a central purchasing office with a sufficient variety of experts on the different lines of supplies, so that all kinds of supplies needed by the institutions could be purchased with full knowledge of the product to be delivered. Such an organization, however, would be very expensive, and it is questionable whether or not it would pay the state to make the necessary outlay.

Wholesale and large retail houses purchase very large quantities of most of the articles in which they deal. Such houses are warranted in employing experts for each article or small class of articles. Though the state purchases in reasonably large quantities, it does not purchase, of any particular article, a quantity approaching that purchased by the large houses. The amount purchased by the state would not warrant the employment of the number of experts employed by large private firms.

The foregoing consideration raises questions, not only with regard to the purchasing done in Illinois, but also with regard to state purchasing in general.

#### 4. The New Jersey Department of Institutions and Agencies<sup>1</sup>

##### ARTICLE I

##### ORGANIZATION, JURISDICTION AND GENERAL POWERS

101. There is hereby created the "Department of Charities and Corrections," which shall consist of the "State Board of Charities and Corrections" and the "Commissioner of Charities and Corrections,"

<sup>1</sup> "An Act Concerning the Charitable, Correctional, Reformatory and Penal Institutions, Boards and Commissions, Located and Conducted in This State, Which Are Supported in Whole or in Part from County, Municipal or State Funds," *Acts of the State of New Jersey* (1918), chap. 147

with such divisions, bureaus, branches, committees, officers and employees as are specifically referred to in this act or as may be constituted or employed by virtue of the authority hereby conferred.

102. The Department of Charities and Corrections is hereinafter referred to by the short title, "Department"; the State Board of Charities and Corrections by the short title, "State Board"; and the Commissioner of Charities and Corrections by the short title, "Commissioner."

103. The State Board shall be composed of eight residents of this State, of whom at least one shall be a woman. The Governor, or officer administering the State Government, shall be ex officio an additional member. The members of the Board shall be appointed by the Governor without regard to political belief or affiliation, subject to confirmation by the Senate. They shall be subject to removal by the Governor at any time for good and sufficient cause.

104. The first appointments made after the passage of this act shall be designated by the Governor to be for terms ending respectively on the thirtieth day of June in each of the following years: 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926. In the year 1919, and annually thereafter, one appointment shall be made for a term commencing on the first day of July and ending on the thirtieth day of June in the eighth year thereafter. Vacancies shall be filled by the Governor for the balance of the unexpired term only.

105. The members of the State Board shall not receive any compensation for their services, but shall be reimbursed for their actual expenditures incurred in the performance of their duties.

106. As soon as may be after the appointment of the first State Board in accordance with the provisions of this act, it shall organize by the election of one of its members as president, who shall serve until the thirtieth day of June, 1919, and on the first day of July in each successive year the State Board shall likewise reorganize by the election of one of its members as president.

107. The State Board shall be provided with suitable office accommodations in the city of Trenton, where its principal office shall be maintained. It may establish branch offices or bureaus elsewhere in the State and in the various institutions within its jurisdiction, as it may determine. It shall hold at least six regular meetings in each year at its principal office in Trenton, and may meet there or elsewhere in the State as often and at such times as it may consider necessary. The presence of four members at any regular or special meeting shall constitute a quorum for the transaction of all business.



108. The commissioner shall be appointed by the State Board. He shall hold his office at the will of the State Board. He shall devote his entire time to the performance of his duties. His office shall be in the unclassified service list of the civil service. He shall receive a salary, to be fixed by the State Board, not exceeding \$10,000 per year. In the selection of a commissioner the State Board shall not be restricted to the residents of the State of New Jersey.

109. The State Board shall have power to create within the department a division of education, a division of medicine and psychiatry, a division of labor and agriculture, a division of statistics, a division of parole, a division of food and dietetics and such other divisions as it may deem necessary. Each division shall be in charge of a qualified expert who shall be appointed by and receive the compensation fixed by the commissioner with the approval of the State Board. The State Board may in its discretion combine the duties of two or more divisions under one head. The division chiefs shall perform such services at such times and places and exercise such powers as the commissioner shall prescribe. The commissioner may from time to time, with the consent of the State Board, designate one of such division chiefs to exercise the powers and perform the duties of commissioner during his disability or absence.

110. The secretary of the State Board and the necessary clerks, stenographers and assistants shall be appointed and their compensation fixed by the commissioner, under such general rules and regulations as may be approved by the State Board.

111. The commissioner shall be the chief executive and administrative officer of the State Board and its official agent for all purposes. Within the contemplation of the Civil Service act, he shall be considered the "head" of the department. He shall likewise be the budget officer, and, unless some other official be designated by the State Board for the purpose, he shall be its fiscal officer. He shall have general charge and supervision of the work of the department.

112. The State Board shall appoint for each of the institutions or noninstitutional agencies included in the provisions of sections 117 and 118 of this act, or for such groups or classes thereof as it may determine, a board of managers which shall be known as "The Board of Managers of———" naming the institution or group or class of institutions for which the board is appointed. The name or names of the boards in charge of the noninstitutional agencies shall be determined by the State Board. These boards of managers shall be appointed by the State

Board, with the approval of the Governor, from the residents of the State at large, without respect to political affiliation or belief. These boards shall consist of not less than five nor more than seven members. Upon the board or boards which succeed, in accordance with the powers conferred upon the State Board by this act, to the management of any of the following institutions, the Hospitals for the Insane, the Village for Epileptics, the Sanatorium for Tuberculous Diseases, the Home for Disabled Soldiers, Sailors, Marines and Their Wives and Widows, the Amelioration of the Condition of the Blind, the State Institution for Feeble-Minded and the State Home for Boys, at least two of the members shall be women. Likewise upon the board or boards succeeding to the management of the Women's Reformatory, the State Home for Girls, the Care of Dependent Children, at least a majority of the members shall be women. The members of such boards shall serve for a term of three years, commencing on the first day of August. (Except in the case of the first boards appointed, whose terms shall commence immediately upon appointments and terminate on the thirty-first of July in the third year following.) Vacancies shall be filled by the State Board for the balance of the unexpired term only. The members of such boards shall not receive any compensation for their services, but shall be reimbursed for their actual expenditures incurred in the performance of their duties. They shall be subject to removal by the State Board at any time, for good and sufficient cause.

113. The principal office of each board of managers shall be at the institution or one of the institutions under its special charge, where the board shall meet at least once a month and as often there and elsewhere in the State as it shall determine.

114. Each board of managers shall have power, unless and until otherwise provided by the State Board by rule, regulation or order formally adopted, to determine the number, qualifications, compensation, powers and duties of the officers and employees of the institutions or noninstitutional agencies committed to its charge. Each board with the approval of the State Board, shall appoint the chief executive officer of each institution or noninstitutional agency in its charge, and determine his or her official title. The chief executive officer so designated shall appoint, with the approval of the board of managers, all officers and employees of the institution or noninstitutional agency. Nothing contained herein shall apply to the appointment of the Principal Keeper of the State Prison.

115. Subject to the supervision, control and ultimate authority of

the State Board, the management, direction and control of the several institutions and noninstitutional agencies shall be vested in the several boards of managers, who shall be responsible to the State Board for the efficient, economical and scientific operation thereof. The chief executive officer of each institution or noninstitutional agency shall be the executive and administrative officer thereof, and shall be responsible to the board for the proper conduct and management of the institution or noninstitutional agency under his care, the physical condition of the property, the proper use of the plant and equipment, the conduct of all employees appointed by him and the care and treatment of the inmates of the institution, subject to the rules and regulations adopted by the board of managers.

116. Within the limitations imposed by general legislation applicable to all agencies of the State, the State Board is hereby granted complete and exclusive jurisdiction, supreme and final authority, and the requisite power to accomplish its aims and purposes in and upon the following institutions, boards, commissions and other agencies hereinafter designated as the charitable and correctional institutions of the State, to the end that they shall be humanely, scientifically, efficiently and economically maintained and operated. Any particular grant of power hereinafter contained shall be held to be in specification but not in limitation of this general grant of power.

117. The charitable institutions and noninstitutional agencies of the State, within the meaning of this act, shall include the following and as well any institution established hereafter for any similar purpose:

- a) New Jersey State Hospital at Trenton
- b) New Jersey State Hospital at Morris Plains
- c) New Jersey State Village for Epileptics
- d) New Jersey Sanatorium for Tuberculous Diseases
- e) The State Institution for Feeble-Minded (formerly the Home for the Care and Training of Feeble-Minded Women)
- f) State Colonies for Feeble-Minded Males
- g) New Jersey Home for Disabled Soldiers
- h) New Jersey Home for Disabled Soldiers, Sailors, Marines and their Wives and Widows
- i) State Board of Children's Guardians
- j) Commission for the Amelioration of the Condition of the Blind

as now established and as the same are to be hereafter maintained and operated, pursuant to the provisions of this act.

118. The correctional institutions of the State, within the meaning of this act, shall include the following, and, as well, any institution established hereafter for any similar purpose:

- a) New Jersey State Prison
- b) New Jersey Reformatory
- c) New Jersey Reformatory for Women
- d) State Home for Boys
- e) State Home for Girls

as now established and as the same are to be hereafter maintained and operated, pursuant to the provisions of this act.

119. The State Board shall have power to determine all matters relating to the unified and continuous development of all the institution and noninstitutional agencies within its jurisdiction. It shall determine all matters of policy and shall have power to regulate the administration of any of the institutions or noninstitutional agencies within its jurisdiction, correct and adjust the same so that each institution and noninstitutional agency shall perform its function as an integral part of a general system. The rules, regulations, orders and directions issued by the State Board or by the commissioner pursuant thereto, for this purpose shall be accepted and enforced by any board of managers having charge of any institution or group of institutions or noninstitutional agencies or any phase of the work within the jurisdiction of the State Board.

120. The State Board shall arrange for the personal contact by its members and by the commissioner with each of the institutions and the work of the noninstitutional agencies, by visitation and by such other means as it may determine to be necessary and proper, so that it may be as nearly as is practicable continually in touch with and informed concerning the general condition of and the progress made by the several institutions and noninstitutional agencies and the general results of the management thereof, the condition and welfare of the inmates and other persons committed or admitted to any institution or noninstitutional agency within its jurisdiction or any of its committees or any board of managers. The State Board shall, by special committee or otherwise, visit and inspect each institution at least semi-annually, at periods which shall not be fixed in advance.

121. Each board of managers and each division chief shall, at such time as shall be fixed by the State Board, file with the commissioner a written report concerning the conduct of the institution or the phase of work or agency entrusted to it during the preceding year, which re-

port shall contain such detail of information as the commissioner shall prescribe, including estimates for the conduct of the institution or agency during the coming year. From these reports, with such other matter regarding the continuous development of the charitable and correctional institutions and noninstitutional agencies of the State or matters allied thereto as the State Board or commissioner shall see fit to include, the report of the State Board shall be compiled and filed with the Governor at such time as may be provided by law. Such report shall set forth the true condition of each and every such institution and noninstitutional agency, with such recommendations with reference thereto, or the extension and development thereof, as the State Board may determine. The State Board shall make the requisition for the annual State appropriation to be made in behalf of the department in such form and at such time as may be prescribed under the present or any future budget system of the State.

122. Hereafter all appropriations of money from the State Treasury for the uses and purposes of the several institutions and noninstitutional agencies included within the provisions of sections 117 and 118 of this act, and for all expenses incidental thereto or connected therewith, as well as appropriations for the uses and purposes of the department, shall be made to the department as one item, in accordance with the provisions of an act entitled "An act to provide a budget system and to provide a method of ascertaining the financial condition of the State and the appropriations necessary for the various departments, institutions and other agencies of the State," approved March first, 1916, and the amendments, supplements and revisions thereof. The several institutions and noninstitutional agencies included within the provisions of sections 117 and 118 of this act shall submit their requests for appropriations to the State Board in the form and at the time prescribed by law. The State Board shall be the sole agency for the transmission to the Governor of the requests for appropriations on behalf of the department and the institutions and noninstitutional agencies included within the provisions of sections 117 and 118 of this act, with such modifications of the requests of the several institutions as the board may determine. Within the meaning of the Budget Act, the State board shall be the sole board authorized to submit a request to the Governor for appropriations on behalf of any of the charitable or correctional institutions or noninstitutional agencies included within the provisions of sections 117 and 118 of this act. Appropriations for working capital for all institutions and noninstitutional agencies in-

cluded within the provisions of sections 117 and 118 of this act shall be made in bulk, and may be allotted by the State Board or used as a general fund, as it may determine. The expenditures of appropriations made to the department, in accordance with the provisions of this section, shall be subject to the provisions of an act entitled "An act regulating the receipt and disbursements of State moneys in certain cases," approved October thirty-first, 1907, and the amendments, supplements and revisions thereof.

123. All expenditures for or on account of the department or any institution or noninstitutional agency within its jurisdiction, shall be paid out of the funds appropriated by the Legislature, and all earnings or income shall be duly accounted for and paid into the State treasury. The total expenditures for all purposes shall not exceed in any year the sum or sums appropriated by the Legislature.

124. In addition to the jurisdiction and power conferred by this act upon the State Board over the institutions and noninstitutional agencies named in sections 117 and 118 of this act, it shall have supervision over all institutions and organizations, whether county, municipal, public or private, to which payments are made from the treasury of the State, directly or indirectly, for or on account of the board and maintenance of any persons admitted or committed thereto, with the right of visitation and inspection at any and all times, for the purpose of determining the conditions, circumstances and surroundings under which such persons so admitted or committed are lodged, boarded, cared for and maintained. In the execution of this power any member of the State Board, the commissioner, or his duly authorized agent, shall have the right of admission to all parts of any building or buildings in which such persons are lodged, cared for or treated, as often as may be necessary. The books, records and accounts of such institution or organization shall be open to his inspection, or for inspection and audit by the State Auditor of Accounts, or any of his subordinates, in so far as they relate to the receipt and expenditure of State moneys, in order to determine whether the amount so paid by the State is a proper charge, which question the State Board shall determine, and also to determine whether such persons so admitted or committed are properly and adequately boarded, lodged, treated, cared for and maintained. The extent and results of such supervision and inspection shall be included in the annual or any special report of the State Board with such recommendations as it may deem necessary.

125. The State Board shall have power of visitation and inspection

of all county and city jails or places of detention, county or city work-houses, county penitentiaries, county insane and tuberculous hospitals, poor farms, almshouses, county and municipal schools of detention, and privately maintained institutions and noninstitutional agencies for the care and treatment of the insane, the blind, the deaf, the dumb, the epileptic, the feeble-minded, or other institutions and noninstitutional agencies conducted for the benefit of the physically and mentally defective, or the care of dependent children. Any member of the State Board or committee thereof, or the commissioner or his duly authorized agent, shall be admitted to any and all parts of any of such institutions at any time, for the purpose of inspecting and observing the physical condition thereof, the methods of management and operation thereof, the physical condition of the inmates, the care, treatment and discipline thereof. The State Board may make such report with reference to the result of such observation and inspection and recommendation with reference thereto, as it may determine.

### 5. The New Jersey Plan of Reorganization<sup>1</sup>

#### REPORT IN BRIEF

I submit a special summary report of the activities of the State Department of Institutions and Agencies for the four years ending June 30, 1922. The significant accomplishments for the four years are:

*The Establishment of a Co-ordinated Department in place of the Investigational and Reporting Agency which preceded it.*—The powers of the former Department of Charities and Corrections were limited chiefly to inspecting and reporting upon the condition of State and County institutions, to maintaining statistical records of commitments, admissions and discharges to State and County institutions, to checking up admission lists for hospitals and training institutions by correspondence and office interviews and by means of occasional mental examinations, to co-operation with other agencies in handling prison labor, and to occasional surveys of certain welfare problems. The various institutions were administered without any special reference to each other and through Boards of Managers chosen in various ways who were responsible directly to the Governor and the Legislature.

Under the existing plan, all institutions are placed together in a single Department with a central staff of a functional character co-operat-

<sup>1</sup> Extract from *Four Year Summary of Reports of the State Board of Control of Institutions and Agencies of the State of New Jersey* (June 30, 1922), pp. 7-13.

ing with the institutional authorities in promoting and developing such functions as medical treatment, provision of clothing, education, employment and financial relations in all institutions, whether they are correctional, charitable, hospital, training or custodial in type. The State Board is responsible for all administration, is the channel through which the annual estimates of all institutions are submitted to the Governor and the Legislature, and it employs a Commissioner as its chief executive, financial and budgetary officer. The system may be characterized as one of centralization of policy making with decentralization of administrative procedures, but the local Boards of Managers are called upon by the State Board to make initial recommendations with regard to all matters of major interest. The Department is responsible for investigations and reports upon the conduct and management of all county, municipal, public and semi-public institutions and agencies in the State. The charter of corporations not organized for pecuniary profit must be approved by the Commissioner before filing with the Secretary of State. All private institutions for mental disease must receive an annual license from the Commissioner in order to operate and all agencies placing children of other States in this State must receive a license from the Commissioner before they are authorized to bring children into New Jersey. The State Board or the Commissioner is authorized to summon witnesses, to take sworn testimony, to summon documents and memoranda generally in connection with any matters which it is empowered to handle. All State building operations requiring architectural treatment, save schools under the supervision of the State Board of Education, are carried on by the Department.

Formerly the institutions tended to be cosmopolitan in character, receiving patients of various classes. Under the re-organization, institutions are specialized to handle groups of patients. The feeble-minded committed to the State Home for Boys whose delinquency is not a primary characteristic are transferred, with the approval of the court, to the New Lisbon Colony, whereas, for the time being the children who are characteristically delinquent although they may be feeble-minded at the same time are maintained in separate groups at the State Home for Boys, pending the establishment of a specialized institution for the feeble-minded with marked character defects. The relatively few feeble-minded of a highly trainable character without marked character defects are transferred, whenever possible, to the Training School at Vineland as State patients. In like manner, inmates of the State



Home for Girls with particularly difficult character defects are in many instances transferred to the State Hospital Psychopathic Department for medical treatment and are thus given an opportunity to recover and return to society, whereas continued stay in a correctional institution only aggravates their behavior difficulties. The ten-year construction program includes provision for more specialized institutions.

*The Installation of a thoroughly Modern and Complete System of Cost and Consumption Accounting.*—Each institution formerly operated with a system of accounting peculiarly its own. This Department has established a uniform system of cost and consumption accounting, which shows monthly the cost of service, the cost of supplies and the total goods consumed in the various departments of the institutions. The same monthly report carries a twelve-month recapitulation which provides a twelve months' summary at the end of each month. As this system develops, the Superintendents and Boards of Managers will have an increasingly close control over administration and over the use of supplies and materials, which in turn will enable the Commissioner and the State Board to make more intelligent recommendations to the Legislature as to financial requirements. The State is beginning to reap the fruits of this system of accounting and of the subsequent control it has made possible. At the end of this year \$580,645.64 in funds appropriated for maintenance in the budget for this year was returned unused to the treasury and an increase of \$94,102.67, in receipts over estimated receipts was achieved.

The work of the Department was inaugurated by a personnel study of each and every position in each and every institution and by the provision of administrative codes and books of rules governing the work of each and every department, indicating the name and title of the person to be assigned to each position and the number and assignments to be made in each division of the institution. The annual budget recommendation for personnel is now made, utilizing this schedule as a basis. Through co-operation with the Civil Service Commission a system of rating has been established, indicating more clearly the standard of performance for each employee. This serves as a basis for promotion.

The Department has aimed to obviate the common criticism that its type of organization precludes a satisfactory critical revision of its functioning. In many States it is maintained that no organization will publicly criticize itself, notwithstanding that that type of organization has become common in both large and small business enterprises. The State Board and the Commissioner have maintained from the very be-

ginning that any particular unit of the Department is more interested in discovering weaknesses and in modifying them than any outside agency possibly could be. The uniform policy of the central department has been a rigorous program of self-scrutiny and of self-criticism which offers an opportunity not only to clean house but also to educate the people of the State to appreciate the positive constructive needs of the institutions. Frank criticism, coupled with constructive recommendations to eliminate improper conditions, is the only sound basis for administrative progress.

The Commissioner has always maintained that criticism is of more service in the long run to a public official than uniform praise. Occasions for self-criticism and for self-analysis have arisen repeatedly in developing a program of centralization of policy making with decentralization of administrative details. It is not always easy but quite necessary to end debates concerning policies with the issuance of general rules in the formulation of which the central office and the institutions have participated. As time goes on, difficulties due to misunderstandings of respective points of view and purposes will become less and less a source of delay in institutional management.

*The Substitution of a Program of Treatment and Prevention for a Program of Custodial Care.*—One of the alarming features of modern government is the increase in the cost of custodial care of the wards of governmental agencies. From the day of its establishment, this Department has taken a position in favor of preventive work in childhood as contrasted with custodial care of adult dependents and delinquents. It has maintained that all public institutions, no matter what their present functions, should be operated primarily to supply information to be used by the people and by all public and private agencies and institutions in carrying forward a program of prevention for the benefit of children in their pliable and teachable age. The remarkable achievements in preventive health work, in training children in accordance with their endowments and in emphasizing the moral and religious side of life as well as the physical in isolated sections of the country warrant the application of these well tested results on a State wide scale and even a nation wide scale in public health work, in public educational work and in public institutional management.

New Jersey institutional achievements have justly attracted attention and have been favorably commented upon by magazines, newspapers and public officials throughout the world. Persons in British India, China, Japan, Soviet Russia, England, France, Italy, Australia

and New Zealand have given particular attention to or have made inquiry for details concerning the advancement of our work.

*The Establishment of a Modern System of Training, Productive Work, Medical Treatment and Rehabilitation in Place of Private Prison Contract Tread Mill Work.*—For one hundred years the prison labor problem has puzzled the best minds on both sides of the Atlantic Ocean. It has remained a serious stumbling block and one of the principal unsolved problems in connection with correctional institutional management in North America and in Europe. For want of more constructive efforts, England in the middle of the last century inaugurated a system of tread mills, water wheels and other devices requiring physical exertion on the part of prisoners immured behind prison walls. This proved a flat failure as did the former prevailing conditions of idleness, sequestration and inactivity. In America since 1888, because of lack of work, due to prejudice and lack of imagination on the one hand and because of prevailing inhuman private contract prison labor on the other, small progress has been achieved. New Jersey lagged behind many other American States in eliminating inadequate private prison contracts.

The present Department has adhered rigorously to a program of training men to become self-supporting, economic persons rather than to the exploitation of the labor of inmates for the alleged purpose of paying the cost of maintenance. The Governor, as budget officer, and the Legislature have supported this policy in every way, except by the grant of adequate appropriations to carry it fully into effect and to end idleness at the Prison and at Rahway Reformatory and at the State Institution for Feeble-Minded at Vineland. This Department has steadily refused to assign more men to a shop than would be required under like conditions in the outside world and has tried to require the same or a better standard of production than that prevailing in commerce and in industry. Special commissions from British India, from Canada, from Massachusetts, from Ohio, from Pennsylvania, from Minnesota, from Alabama and from the Federal Government have visited and highly commended these phases of the department's work in New Jersey. During the last two years special phases of the industrial program of this Department have been commended by the Manchester Guardian and in the special report on "English Prisons Today" by Hobhouse and Brockway.

*The Completion of Adequate Surveys of the Problems of Tuberculosis, Insanity, Feeble-Mindedness, Instability and Delinquency in New Jersey.*

—The Department did not have sufficient staff to enable it to discharge its full responsibility to the State in advising as to the proper handling of the problems of tuberculosis, insanity, feeble-mindedness, instability and delinquency. It was indeed fortunate to secure the co-operation of the National Committee on Mental Hygiene to make a survey of mental hygiene in New Jersey. . . .

This Department from the very beginning has labored earnestly to promote the co-operation of the various State Departments and to eliminate overlapping of functions and the consequent over-expenditure of public funds for specific purposes with inevitable shortages for other necessary public purposes. The Department has been met more than half way by the Departments of Education, Health and Labor. If this co-operation can continue and if a little larger expenditure could be made for the best type of research concerning the fundamentals of those Departments and this Department, the program of prevention could be pushed further forward in the State, especially with respect to education in grades one to five and in public health and in private medical work for children between the ages of one and five.

The Department has endeavored in every way to end the wasteful policy of building custodial units for patients who are too sick to recover. In like manner, it has striven to eliminate waste in the construction of these buildings due to faulty design, improper and dishonest inspection, the use of wrong or improper materials and inadequate upkeep of buildings when erected.

## 6. The Departmentalization of the Massachusetts Government<sup>1</sup>

### PART I. GENERAL PROVISIONS

SECTION 1. The executive and administrative functions of the commonwealth, except such as pertain to the governor and council, and such as are exercised and performed by officers serving directly under the governor or the governor and council, shall hereafter be exercised and performed by the departments of the secretary of the commonwealth, the treasurer and receiver general, the auditor of the commonwealth, and the attorney-general, and by the following new departments hereby established, namely:

<sup>1</sup> Extract from "An Act to Organize in Departments the Executive and Administrative Functions of the Government," *General Acts of Massachusetts* (1919), chap. 350, secs. 1,

The department of agriculture  
The department of conservation  
The department of banking and insurance  
The department of corporations and taxation  
The department of education  
The department of civil service and registration  
The department of industrial accidents  
The department of labor and industries  
The department of mental diseases  
The department of correction  
The department of public welfare  
The department of public health  
The department of public safety  
The department of public works  
The department of public utilities

A metropolitan district commission is also hereby established as hereinafter provided and the provisions of Part I of this act shall apply to said commission. . . .

### 13. DEPARTMENT OF MENTAL DISEASES

SEC. 79. The department of mental diseases shall consist of the Massachusetts commission on mental diseases as now organized and existing under chapter two hundred and eighty-five of the General Acts of nineteen hundred and sixteen, and acts in amendment thereof and in addition thereto. All provisions of law relating to the commission on mental diseases shall continue in full force and effect, except as is otherwise provided in this act.

SEC. 80. The commissioner of mental diseases shall be the executive and administrative head of the department of mental diseases, subject to all provisions of law now in force relating to said commissioner. He may organize the department in such divisions as he may, from time to time, determine, and, with the approval of the governor and council, appoint, and fix the compensation of, an assistant commissioner to discharge the duties of the commissioner during his absence or disability, and such other duties as may be prescribed by the commissioner. Physicians, pathologists and psychiatrists of the department, and engineers, firemen and head farmers employed at institutions under the supervision of the department, shall be exempt from the civil service law, and the rules and regulations made thereunder.

## 14. DEPARTMENT OF CORRECTION

SEC. 82. The Massachusetts bureau of prisons, existing under authority of chapter two hundred and forty-one of the General Acts of nineteen hundred and sixteen, is hereby abolished. All the rights, powers, duties and obligations of said bureau, and of any officer, board or member thereof, are hereby transferred to and shall hereafter be exercised and performed by the department of correction established by this act, which shall be the lawful successor of said bureau.

SEC. 83. The department of correction shall be under the supervision and control of a commissioner, to be known as the commissioner of correction, who shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner shall be for the term of one, two or three years, as the governor may determine. Thereafter the governor shall appoint the commissioner for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove the commissioner. The commissioner shall receive such annual salary, not exceeding six thousand dollars, as the governor and council may determine.

SEC. 84. The commissioner shall be the executive and administrative head of the department. He shall perform all the duties prescribed by law for the director of prisons. He may, with the approval of the governor and council, appoint and remove two deputy commissioners, and with like approval, fix their compensation. The deputy commissioners shall perform such duties as the commissioner shall prescribe, and he may designate one of them to discharge the duties of the commissioner during his absence or disability.

SEC. 85. The duties prescribed by law for the board of parole of the bureau of prisons shall hereafter be performed by a board to consist of a deputy commissioner designated by the commissioner, and two members to be appointed by the governor with the advice and consent of the council. The first appointments of members shall be for terms of two and three years respectively. Thereafter as the terms expire the governor shall appoint the members for the term of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove said members. The governor shall designate the chairman of said board. The deputy commissioner shall receive no additional compensation for his services on the said board. The two appointive members shall receive such annual salary, not exceeding two thousand dollars, as the governor and council may determine; but if one of said members is designated as chairman, he shall receive an

annual salary not exceeding three thousand five hundred dollars. The said board shall be known as the board of parole, and shall be considered a board of the department of correction.

#### **7. Massachusetts Department of Public Welfare<sup>1</sup>**

SECTION 1. There shall be a department of public welfare, in this chapter called the department.

SEC. 2. The department shall be under the supervision and control of a commissioner of public welfare, who shall be its executive and administrative head, and an advisory board consisting of the commissioner, ex officio, and six appointive members, of whom two shall be women. The commissioner shall receive such salary, not exceeding six thousand dollars, as the governor and council determine. Upon the expiration of his term of office, his successor shall be appointed for five years by the governor, with the advice and consent of the council.

SEC. 3. Two members of the advisory board shall annually be appointed by the governor, with the advice and consent of the council, for three years each. The members shall receive no compensation, but shall be reimbursed for their actual necessary expenses incurred in the performance of their official duties.

SEC. 4. Except as otherwise provided, the commissioner of public welfare may appoint such officials, agents, clerks and other employees as the work of the department may require, designate their duties, except so far as they are otherwise defined by law, assign them to divisions, transfer and remove them, and fix their compensation. The appointments in the divisions of aid and relief and of child guardianship shall be made with the advice of the directors thereof.

SEC. 5. The commissioner shall organize in the department a division of aid and relief, a division of a child guardianship, and a division of juvenile training, each in charge of a director.

SEC. 6. The members of the boards of trustees of the state institutions under the supervision of the department shall receive no compensation for their services, but their traveling and other necessary expenses shall be allowed and paid

#### **DIVISION OF AID AND RELIEF**

SEC. 7. The commissioner, with the approval of the governor and council, shall appoint, fix the compensation of, and may with like ap-

<sup>1</sup> *General Acts of Massachusetts* (1919), chap. 350, sec. 87, now embodied in *The General Laws of the Commonwealth of Massachusetts* (1921), chap. 18.

proval, remove the director of the division of aid and relief, who shall, under the supervision and control of the commissioner, perform the duties required of him by law relative to the state adult poor.

SEC. 8. There shall be a board of trustees of the state infirmary serving in the division and consisting of five men and two women, three of whom shall annually in June be appointed by the governor, with the advice and consent of the council, for three years each, except that in the year nineteen hundred and twenty-one and every third year thereafter only one such trustee shall be so appointed.

#### DIVISION OF CHILD GUARDIANSHIP

SEC. 9. The commissioner, with the approval of the governor and council, shall appoint, fix the compensation of, and may with like approval remove, a director of the division of child guardianship, who shall, under the supervision and control of the commissioner, perform the duties required of him by law relative to children.

SEC. 10. There shall be a board of trustees, to be known as the board of trustees of the Massachusetts hospital school, serving in the division and consisting of five persons. The governor, with the advice and consent of the council, shall annually appoint a member of the board, who shall serve for five years beginning on the first Monday in December in the year of his appointment, and until his successor is qualified.

#### DIVISION OF JUVENILE TRAINING

SEC. 11. The director of the division of juvenile training shall be a member of the board of trustees of the Massachusetts training schools designated by the governor. He shall receive no compensation as such, and his term of office shall be that of his appointment as such trustee.

SEC. 12. The board of trustees of the Massachusetts training schools shall consist of nine persons, two of whom shall be women, and shall constitute the division of juvenile training. No person employed by the board for compensation shall be a member thereof.

SEC. 13. The governor, with the advice and consent of the council, shall in June of each year appoint two members, except that in nineteen hundred and twenty-one and every fifth year thereafter one only shall be appointed. The members shall hold office for five years from July first following their appointment.

SEC. 14. The trustees shall appoint, and may remove, a secretary not a member of the board, at a salary to be fixed by the trustees.



They may appoint a temporary secretary, who may be a member of the board, who shall perform the duties of the secretary in his absence.

SEC. 15. The secretary shall be the executive officer of the trustees. He shall be paid the necessary expenses incurred in the performance of his duties.

SEC. 16. The trustees may expend such sums for clerical assistance and office expenses as may be appropriated by the general court.

## 8. The Massachusetts Department of Mental Diseases<sup>1</sup>

### DUTIES OF THE DEPARTMENT

In accordance with chapter 350 of the *General Acts of 1919*, which provided for the reorganization of State departments, the Massachusetts Commission on Mental Diseases became the Department of Mental Diseases on Dec. 1, 1919. This legislation does not change the status of the Department. Under the above act the Norfolk State Hospital, at present leased to the United States government, and formerly under the State Board of Charity, comes under the supervision of this Department.

The statutes relative to the duties and powers of the Department of Mental Diseases are to be found in chapters 19 and 123, *General Laws*.

The Department has general supervision of all public and private institutions for the insane, feeble-minded, and epileptic persons, etc., and it has the right of investigation and recommendation as to any matter relating to the classes under care. Each State institution has, however, its own board of trustees appointed by the Governor and Council.

The direct powers of the Department concern the interrelations of institutions and matters which are common to them all, such as the distribution and transfer of patients, deportations of patients to other States and countries, claims to support as State charges in institutions, etc.

The expenditure of money under special appropriations for new buildings and unusual repairs is under the control of the Department, which is required to prepare plans for new buildings and to select land to be taken for the purpose of any new or existing institutions. The Department also analyzes all requests for maintenance appropriations.

<sup>1</sup> Extract from *Annual Report of the Massachusetts Commissioner of Mental Diseases for the Year Ending November 30, 1920*, pp. 9-10.

### 9. Further Consolidation Recommended<sup>1</sup>

#### RECOMMENDATIONS OF THE COMMISSION

That the departmental consolidations include the following:

- a) A Department of Administration and Finance to include the supervisor's functions, a purchasing bureau, an accounting bureau under a Comptroller, and a division of personnel and standardization.
- b) A new Welfare Department, to include present departments of Mental Diseases, Correction, Welfare, and health sanatoria.
- c) A Department of Corporate Activities, to include present departments of Corporations and Taxation, Banking and Insurance, and Public Utilities.
- d) Other smaller consolidations and transfers of activities. . . .

#### PUBLIC WELFARE

Under the above title the Commission recommends the consolidation of the Departments of Correction, Mental Diseases, the present Department of Public Welfare, and the institutional activities of the Department of Public Health. The remaining activities of the Public Health Department, including its miscellaneous inspection and educational work and engineering of water supplies and sewerage systems are not disturbed, and are left in a separate department retaining the present title.

It is proposed to place the full administrative responsibility of the new welfare department in the hands of a commissioner, who should be a man of unquestioned executive ability and broad business experience. Under him should be associate commissioners in charge of the following groups of activities: Mental diseases, correction, hospitals and schools, aid and relief. These associate commissioners should all be competent professional men, familiar with the duties of their respective divisions, and with full authority in matters relating to treatment and welfare of inmates, but relieved of the business and mechanical details of operation, so that their time may be devoted primarily to medical or corrective treatment and other professional functions of their respective institutions.

It is proposed to include in the department, directly responsible to the commissioner, a director of business affairs, who would supervise all business details and financial matters incident to the operation of

<sup>1</sup> Extract from *Report of the Massachusetts Commission on State Administration and Expenditures* ("House Document 800," General Court, 1922), pp. 12, 25-27 47-48, 51, 53.

the various institutions, and direct the maintenance and construction of institutional equipment, buildings and grounds. Under him should be such purchasing or supply requisition clerks as are needed to function in connection with the central purchasing agency in the procuring of necessary supplies for the institutions. There should also be under this director a subdivision of technical assistants, who would supervise the operation of power plants and other mechanical equipment of the institutions to insure sustained maximum efficiency.

Directly responsible to the associate commissioners in charge of the various groups of institutions should be the staff activities and the superintendents of the various institutions. It is not proposed that the director of business activities should interfere with the responsibility of the superintendents over the operation of their respective institutions, but rather that the director should serve in an advisory capacity to the associate commissioners and the various superintendents, relieving them of responsibility for details foreign to their professional duties. Such interlocking activities might suggest possibilities of friction, but they exist in all large business organizations and work harmoniously. If the recommendations of the director are not accepted by the superintendent of an institution or his subordinates, the matter should be referred to the associate commissioner, or, if necessary, to the commissioner for final settlement; but it is not anticipated that such reference will be necessary except under unusual conditions. It is recommended that the commissioner be given authority to determine and adjust the many details of responsibilities and activities of the other divisions, to the end that the entire subsidiary organization may work together harmoniously and efficiently. . . .

In creating a new administrative head for this group of institutions, and adding a new division for handling its business affairs, the Commission is not unmindful of the expense immediately involved, but finds that present departmental organization and other costs can be reduced more than enough to offset this expense, leaving the saving in operating cost effected through the consolidation, estimated at \$887,500, as a net saving. . . .

#### CORRECTIONS

As the result of its surveys of this department, the Commission has reached the conclusion that it has under its supervision too many separate institutions, none of which is fully occupied. The State Prison at Charlestown is obsolete, and there appears to be no question but that it should be abandoned as soon as it is practicable to do so. The prop-

erty on which this prison is located has a value for other purposes which has been estimated between \$750,000 and \$1,000,000.

As to the disposition of the Charlestown prisoners, it is the opinion of the Commission that they should be transferred to Bridgewater. The facilities at this point could be made suitable for the safe confinement and proper housing of the prisoners by comparatively simple alterations in the buildings and the erection of a custodial wall. It is estimated that this work should cost not exceeding \$400,000. The custodial wall should include, not only the buildings now to be used for prison purposes, but also sufficient space for future new buildings. Under this plan, consolidation of prisons could be effected at a cost (including the custodial wall) less than the estimated sale value of the Charlestown property; and if at a later date new and more modern prison facilities should be needed, they could be provided without material loss on account of the work now done. It is estimated that the annual saving in prison operation from the proposed consolidation would be not less than \$150,000. To this amount should be added the substantial reduction in commissary expense which would result from the further cultivation by prisoners of the fertile but now undeveloped land owned by the State in connection with the Bridgewater plant.

. . . .

#### MENTAL DISEASES

This department spends a much larger amount of money than any other State department. The amount of money collected for the support of inmates in its institutions is, however, comparatively small, and the Commission is of the opinion that a larger organization for the collection of fees, particularly through recurrent investigation of the financial standing of relatives, would result in a substantial increase in revenues. . . . .

The appalling extent of mental deficiency within the Commonwealth and the enormous sums of money expended for the care of patients suggest the need of careful study of preventive measures. Such studies have been made in the past, and indicate that the root of the problem is prevention, and that early treatment will keep many prospective patients out of the institutions. It is hoped that further increase in mental disorders has been checked by the work already done. It is, however, by no means certain that all reasonable efforts looking to curtailment of existing deficiencies and prevention of further developments by education, isolation, and otherwise have been taken. A further careful study of preventive measures is recommended. . . . .

## PUBLIC WELFARE

This department conducts two distinct classes of activities—institutional and general aid and relief.

Among the institutions under this department one, namely, the State Infirmary at Tewsbury, has a heterogeneous collection of inmates and general conditions attending it which need early correction. By transferring this department to a larger new department of the same name, it is proposed to make available to these institutions [adequate] business supervision.

Attention is also called to the large amounts of State money disbursed by the Division of Aid and Relief through city and town agencies without adequate State supervision. The Commission has not formulated any definite plan for correcting any abuses which may arise in this connection, but recommends that the matter be given further attention.

The laws of Massachusetts provide for a five-year residence in a particular locality before "settlement" is recognized. The care of certain settled cases falls upon the cities and towns, but unsettled cases are supported by the State. In many cases it is very difficult to solve the question of settlement because of the five-year period. Most other States have adopted a much shorter period, usually one or two years. It is recommended that the matter of a similar change in Massachusetts be given attention, to the end that the solution of settlement problems be simplified and the responsibility for support placed where it belongs.

## 10. A Legislature Pretends to Departmentalize

### A. A SECRETARY REPLACES A BOARD AND A STAFF<sup>1</sup>

SECTION 1. That the State Board of Charities and Corrections is hereby abolished and Sections 495 and 496 of the Revised Statutes of Colorado of 1908 and Sections 524 and 525 of the Compiled Laws of Colorado of 1921, and Section 1 of Chapter 83 of the Session Laws of Colorado of 1911, and Section 525 of the Compiled Laws of Colorado of 1921, are hereby repealed, and the Secretary of the State Board of Charities and Corrections shall be known as the Secretary of the De-

<sup>1</sup> "An Act to Abolish the State Board of Charities and Corrections and to Repeal Sections 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, and 506 of the Revised Statutes of Colorado of 1908, and Chapter 83 Session Laws of Colorado of 1911, April 26, 1923," *Laws Passed at the Twenty-fourth Session of the General Assembly of the State of Colorado* (1923). chap. 169.

partment of Charities and Corrections, and shall continue to exercise and shall exercise all the rights and powers and perform all the duties vested in and imposed upon the Secretary and the members of the board of the State Board of Charities and Corrections under the laws governing and concerning the State Board of Charities and Corrections and its Secretary, all under the direction of the Governor.

SEC. 2. The Secretary of the State Board of Charities and Corrections shall be known as the Secretary of the Department of Charities and Corrections and shall be paid an annual salary of \$1800, the same as the salaries of the other executive officers of the State are paid, in addition to the necessary traveling expenses while making investigations and engaged in the conduct of the business of the Department of Charities and Corrections.

#### B. THE GOVERNOR RECOMMENDS SUPPORT<sup>1</sup>

##### CHARITIES AND CORRECTIONS

The laws of the State charge this Department with a great deal of work, but the Legislature has left it with a totally inadequate appropriation. The Department of Charities and Corrections should be made the clearing house and research division in all matters relating to charities and corrections and social welfare in the State. Unless you give this Department sufficient money to work with, it cannot carry out the duties imposed upon it by law. I am recommending an increase from \$8,500 to \$30,200 for the current biennium, which is only \$15,000 more than the Department received in 1913.

#### C. THE GOVERNOR ATTEMPTS TO FIND A SUBSTITUTE<sup>2</sup>

##### A VOLUNTEER BOARD CREATED

Whatever the policy of the Governor regarding executive clemency may be he cannot escape under the Constitution responsibility for considering appeals that are made for clemency. In order that he may do this intelligently it is necessary that some one should gather up for the Governor's consideration the available facts regarding each case. In the lack of a special Pardons Secretary this work was placed again in the Department of Charities and Corrections. It is not now in any

<sup>1</sup> Extract from *Biennial Address of Governor William E. Sweet to the Twenty-fifth General Assembly* (Denver, Colo., 1925), p. 5.

<sup>2</sup> Extract from *First Biennial Report of the State Department of Charities and Corrections of Colorado* (1923-24), p. 8.

way connected with this Department by law, but it is so related to the work of the Department that this would be the natural place for carrying on such work in the lack of any other means specifically provided for that purpose. The work would have to be done either in the Governor's own office or in this office which is also his own, unless he should ask some other office to do it for him as a matter of favor.

The Governor voluntarily appointed to assist him in these grave decisions, an Advisory Board of Pardons, consisting of Father William O'Ryan, Rabbi William S. Friedman, of Denver, both of whom had long served on the Board of Charities and Corrections, Mrs. Helen Fischer, of Boulder, and Mr. Hale Smith, Secretary to the Governor. This Board has served without salary in advisory capacity only.

When the present Secretary came into the Department of Charities and Corrections on March 1, 1924, the Governor relieved the Department so far as possible of the pardons work, leaving the Secretary free to devote her time to the regular work of the Department which will presently be explained. The Governor's own Secretary assumed responsibility for preparation of the facts regarding prisoners requesting clemency, but the clerical work remained in the Department of Charities and Corrections. This work has been at best inadequately done, yet it has occupied more than half of the stenographer's time.

### II. The Peril of the New Plan<sup>\*</sup>

It is relatively easy to produce surface indications to show how many state institutions are more economically administered by a centralized board than these same institutions have been administered by decentralized boards. It should be remembered that under the decentralized board plan where we have a strong state board of charities its published reports of comparative costs of service in all the institutions carefully analyzed is a constant challenge to each board and the executive officer of each institution to improve its efficiency. Moreover, it should also be remembered that even the saving of several hundred thousand dollars or even one or two million dollars annually in the administration of twenty state institutions is no saving at all if it is accomplished to the detriment of the higher development of these institutions and at the expense of the wards of the state for which the in-

<sup>\*</sup> Extract taken by permission from J. E. Hagerty, "Recent Legislation in Public Welfare Organizations—Their Trend and Meaning," *Proceedings of the National Conference of Social Work at the Forty-ninth Annual Session* (Providence, 1922), pp. 444-47.

stitutions were created. The decision on superior financing reverts in last analysis to the relative merits of the systems compared.

Within the last ten years many states appointed efficiency boards to investigate the form of organization of the state governments and state departments and to recommend changes to the legislature. Most of these efficiency boards recommended a federal or centralized government in which all of the state's work was to be consolidated in a few departments presided over by heads appointed by the governor and holding office at the pleasure of the governor. In these recommendations the work of the public welfare institutions was usually included in a public welfare department.

The Illinois law of 1917 known as the civil administration code carried out the programs of its commission in creating nine departments, the heads to be called directors, appointed by the governor and holding office at his pleasure. Two of these departments are the department of public welfare and of public health. Since then the federal or centralized form of administration of some kind has been adopted by Idaho, Nebraska, Ohio, Michigan, and Massachusetts. In all of them the governor appoints the head of the public welfare department who is responsible to the governor and holds office at his pleasure.

In recommending a state board of charities for Ohio the *Report* says:

To take the place of the present board of State Charities a state board of welfare consisting of members appointed by the governor for overlapping terms of five years each, is recommended as a propaganda, educational and inspectional agency. This board would have no administrative duties to perform, but its duty would be to visit and investigate State institutions for the purpose of checking up on the work which is being done by the department of welfare administration, and report the facts to the director, the legislature, and the public. It will have no connection whatever with the management of institutions, its chief function being analysis and criticism of programs and results and constructive recommendations as to new policies and programs which should be undertaken.

With this recommendation of a state board of charities I am in complete accord. I have believed for some time that the administrative and executive functions of a state board of charities interfered with its performance of those functions which the boards of state charities were originally organized to perform. In both Ohio and Michigan a department of public welfare as a department of the state government with a director of public welfare was created and in both instances the



board of state charities was abolished. Usually if a political administration creates a department of public welfare headed by a director appointed by the governor and responsible to him, it does not want another department representing more nearly the public point of view to check up on its work, criticize it, and report its findings to the public. It is not in the nature of political parties to favor this sort of thing.

The following are some of the objections to the law: first, in Ohio the governor holds office for two years. The director of public welfare may not hold office longer than two years. A reasonable continuity of policy so essential to the development of welfare work cannot be guaranteed where the head of the Public Welfare Department is likely to be changed with changes in administration. This same argument will apply to the director of public health; second, a brief and uncertain tenure of office will not attract men of great ability and men of experience and technical training to enter this form of state service; third, if appointments are made by governors only men from the state are likely to be appointed. The position of director of public welfare or director of health should go to the most competent men to be found in the country or in the world; fourth, where high salaried men are appointed by the governors political pressure will be applied to secure appointments of favorites, not only as directors of departments, but also as subordinates in the departments.

I have stated that the efficiency committees of the different states employed to investigate state government methods and operations have almost invariably recommended the consolidation of the work of the state in a few departments whose heads governors appoint. In arriving at this conclusion they have followed the theory that where responsibility is concentrated it is possible for the people to hold someone accountable for his conduct and attach praise and blame where it belongs. With this theory in general, I am in sympathy. In most lines of governmental activities, doubtless much good has been accomplished in gathering together widely scattered functions and placing them where they belong in relatively few departments and giving someone the definite responsibility of accomplishing results.

This theory breaks down, however, when we assume that the people in general have the capacity to distinguish between superior, less efficient, and even very inferior results in the management of public welfare institutions in such matters as probation, parole, or child-placing especially when political parties are actively engaged in misrepresenting the facts and clouding the issues. Is there any better reason for

the appointment of the director of public welfare and the director of public health by the governor than there is that he should appoint the president of the state university and the president of the state agricultural college on the theory that you should hold someone definitely accountable for these appointments. Judging from speeches one hears at a conference like this we are inclined to believe that most social workers consider political parties public political enemies. The political scientist and the efficiency experts have not shown us how we can destroy them, or at least how we can destroy the insane attachment of otherwise sane, normal, and responsible human beings to his political party. And until they do so I for one will not admit the necessity or even desirability of concentrating authority and responsibility in all matters pertaining to human welfare in a single executive who in the nature of things is the leader of the dominant political party in the state. . . .

After all the most efficient system for the management of state public welfare institutions and welfare work is the one which will select the most capable men and women to manage and control these institutions and to do the welfare work and to give them the freedom and the support to do their work in accordance with their ideals. All other features of a superior system sink into insignificance in comparison with this one.

I think that there is merit in having a single executive head in charge of the public welfare institutions of a state if a man with technical knowledge and commanding ability can be found, and if he can be appointed without any reference to his politics and is given indefinite tenure in office so long as he is successful. If we are to have a single executive then the public welfare institutions and public welfare work should be placed under the control of a bi-partisan board of six persons appointed by the governor for a period of six years, this board to appoint the director of public welfare who should be appointed for an indefinite period and who should not be required to be a citizen of the state where he is appointed. The long term office of board members will make it impossible for any governor to organize the board for partisan purposes. A state board of charities should be retained and made a vital part of this plan.

Unless a plan of this sort can be worked out it will be better to have the decentralized plan of individual boards for each institution than to have a centralized board of administration or a director of welfare appointed by the governor and responsible to him.

## 12. The Head of a Department Reviews the Situation<sup>1</sup>

### ORGANIZATION

In 1921 the 84th General Assembly passed the so-called re-organization law. This law, effective July 1, 1921, transferred all the duties of the Ohio Board of Administration, together with the duties of the State Board of Clemency, the Board of State Charities, and the administrative authority of the Ohio Commission for the Blind, to a sole managing head called the Director of Public Welfare. The law providing for a Board of Administration was enacted in May, 1911, under the administration of Governor Harmon. At that time the then nineteen state institutions, namely, eight Hospitals for the Insane, Ohio Hospital for Epileptics, Institution for Feeble-Minded, Ohio Penitentiary, Ohio State Reformatory, Boys' Industrial School, Girls' Industrial School, Ohio State Tuberculosis Sanatorium, Ohio Soldiers' and Sailors' Home, Madison Home, State School for the Deaf, and the State School for the Blind, were managed by separate boards of trustees composed of five members each, or ninety-five trustees in all. The Ohio Board of Administration of four members, divided equally as to politics, assumed the duties of the ninety-five trustees on August, 1911, and continued with full power to manage the state institutions until 1921. Since 1911, four more institutions have been added, making twenty-three in all under the control of the Director of Public Welfare, whose term is co-extensive with that of the Governor.

The management of these institutions is a tremendously big business proposition, embracing, as it does, property located in all sections of the state, and valued at more than thirty-two millions of dollars, including more than 14,000 acres of land, of which nearly 10,000 acres are tillable, nearly 3,500 officers and employees, annual agricultural and manufactured production valued at more than two millions of dollars, and an annual expenditure of nearly \$8,000,000.00.

With the care, treatment, and education of more than 25,000 wards in our state institutions, and the care and supervision of nearly 14,000 children in the Division of Charities, the problem is greater and vastly more important than a mere business enterprise.

Each institutional superintendent or division head is appointed to his or her position by reason of professional, scientific, or welfare training. These superintendents and division heads are widely separated in different parts of the state and each has his own particular problems to

<sup>1</sup> Extract from *Second Annual Report of the Department of Public Welfare of Ohio* (1923), pp. 9-13.

deal with. It is necessary to have a central agency for the purpose of co-ordinating all the institutional and departmental activities and formulating a continuous uninterrupted welfare policy. That agency, in my opinion, should be a bi-partisan board of members appointed for definite terms, of which not more than one expires in any one year. Under this plan there would always be an experienced majority to carry on a continuity of policy and work and to stabilize ideas and notions of new members.

For the same reason I think the work of the Division of Charities, whether carried on in connection with state institutions as at present, or not, should be directed by a non-partisan board of experienced social welfare workers, members to be appointed by the Governor for definite terms, of which not more than one shall expire in any one year. As stated before, the term of the Director is co-extensive with that of the Governor. Under the present scheme of government the term of the Superintendent of Charities is co-extensive with that of the Director. A change in administration means a new Director of Welfare, and a new Superintendent of Charities; consequently there is likely to be no continuity of policy, but a constant experimenting with ideas which is bound to cripple the whole department and destroy the result of years of labor and large expenditures of money. There is nothing so costly in any business or an organization of any kind as constant experimenting. The so-called Reorganization Bill did not materially change the Ohio Board of Administration law, nor the law governing the Board of State Charities, the Director of Public Welfare assuming all the duties and responsibilities of these two Boards.

The reorganization bill supposedly was copied from the Illinois Administrative code. I do not know how closely the Illinois law was adopted in other departments but in the Department of Public Welfare it was not followed and as a result we were given a make-shift—an organization with which it is physically impossible to carry out the law governing the Board of Administration, the Board of State Charities, the Commission for the Blind and the Board of Clemency, which the Department of Public Welfare inherited.

The organization of the Illinois Department of Public Welfare is as follows:

Director	Superintendent of Charities
Assistant Director	Superintendent of Pardon and Paroles
Fiscal Supervisor	Alienist
Superintendent of Prisons	Criminologist

The above positions are provided for by law with salaries ranging from \$5000.00 to \$7000.00 per year.

Our organization as provided for by the Ohio reorganization law is as follows:

Director  
Fiscal Supervisor

Superintendent of Charities  
Superintendent of Pardon and Parole

The salaries of the above officials are fixed by law and range from \$4000.00 to \$6500.00 per year.

While Ohio is supposed to have adopted the Illinois System it is apparent that we must try to function with a fifty percent organization as compared with Illinois, or, without the services of four salaried experts. The result inevitably is that the 25,000 unfortunate wards of the State cannot be given the care, attention, and study to which they are entitled, not to mention economic waste to tax payers resulting from lack of proper supervision.

After having been operated efficiently and successfully for ten years under a bi-partisan board, the Department was thrown into an experimental stage July 1, 1921, when the present one-man directorship became effective. That the present arrangement proved unsatisfactory from its inception is demonstrated by the many suggestions for revision. Different groups have different recommendations. For instance, one group recommends a director, having associated with him four experts; namely, a neuro-psychiatrist, a penologist, a sociologist and a psychologist. Another recommends a board of seven members appointed by the Governor for a period of seven years, which is to appoint a director, exercise general supervision and determine the policy of the respective departments. In support of their recommendation they call attention to the fact that the Ohio State University is managed by a board of seven trustees, each appointed for a term of seven years, and that the problems of administration of the Department of Public Welfare are as complex, varied and difficult of solution as those incident to the management of the University, etc.

In this connection, and for the purpose of comparison, I might say that the Ohio State University is one unit, located on one tract of land, engaged in one kind of work, and having an enrollment of about eight thousand students—normal, intelligent persons. Nearly all of the students live away from the institution and are on the campus only long enough to attend classes.

In contrast, there are in the Department of Public Welfare, in addi-

tion to the Division of Charities, Commission for the Blind, Board of Clemency and the Bureau of Criminal Identification, twenty-three institutions scattered throughout the state, with an aggregate population of twenty-five thousand defective, criminal, aged and sick persons and nearly thirty-four hundred employees. These institutions consist of eight hospitals for the insane, one institution for the feeble-minded, one hospital for epileptics, two correctional schools, a school for the deaf, a school for the blind, three penal institutions, and others. Practically all of the institutions have the same problems to deal with, so far as the physical plants are concerned, as the Ohio State University. Again, these institutions have a permanent population and require constant supervision and care. The University's big problem is an educational one. We not only have an educational problem at each institution but additional problems of discipline, care, custody and the mental and physical treatment of the wards. Also, we have at the various institutions extensive manufacturing and farming problems that require constant supervision. All this leads me to say that there is no comparison between the scope and problems of the Ohio State University and the Department of Public Welfare.

One sad experiment—that of 1921—is sufficient. Let us not proceed from this mistake to another innovation which may prove unwise. The safe and sane thing to do is to return to the tried, tested and successful system of a bi-partisan board. The sooner this is done, the better.

Section 1833 of the General Code, creating the board of administration, one of the few sections repealed by the reorganization law, among other things provided:

The Governor shall appoint four persons not more than two of whom shall belong to or be affiliated with the same political party. They shall be selected so that the Board will have, as far as possible, in its membership the advantages arising from special study, knowledge or experience regarding the proper care and treatment to be afforded at institutions of the kinds governed by it, the production, manufacture and purchase of articles required in or by such institutions, the care and cultivation of lands and the general principles and conduct of business management.

Under the *sections not repealed* by the Reorganization code, the duties of the Director of Public Welfare are enumerated, a few of which are as follows:

To accept and hold on behalf of the State any grant, gift, or bequest of money or property and make an accounting annually.

Regulate the admission and discharge of pupils and inmates.

Be the guardian of all minors who are wards of the State.

Act as Commission of Lunacy with power to examine into, with or without expert assistance, the question of sanity or condition of persons committed to or confined in any public or private hospital for the insane or restrained of his liberty by reason of alleged insanity in any place within this state.

Order and compel the discharge of any such persons who shall not be insane and direct what disposition shall be made of them.

Shall have the sole authority to transfer inmates from one institution to another.

Shall determine the numbers of officers and employees to be appointed in each institution and fix the salaries, which shall be uniform as far as possible.

Shall assign among the correctional and penal institutions the industries to be carried on therein.

Shall fix the prices at which all labor performed and all articles manufactured in said institutions shall be furnished to the state and political subdivisions.

Shall classify public buildings and determine the kinds and qualities of articles to be manufactured therein.

Shall determine and direct what land belonging to said institutions shall be cultivated and the crops to be raised.

Shall determine and present the needs of the institutions to the General Assembly based upon a per capita allowance.

Under another section the Director of Public Welfare is required to visit each institution at least once a month. To say nothing of the other requirements, it is almost a physical impossibility for one person to comply with this one section alone.

Following the sections prescribing the duties of the Director is section 1871 of the General Code, not repealed by the Reorganization Bill, which in my judgment is one of the best laws ever enacted affecting the Welfare Department. It reads as follows:

The Board shall make rules and regulations for the strictly non-partisan management of the institutions under its control. Any member or employee of the board, or any officer or employee of any institution under its control, who, by implication or otherwise, shall exert his influence directly or indirectly to induce any other officer or employee of any such institution to adopt his *political views* or to favor any particular person or candidate for office, or who shall in any manner contribute money or other things of value to any person for election purposes, shall be removed from his office or position, by the board in case of an officer or employee, and by the Governor in case of a

member of the board. And no member or officer or employee of the board shall recommend or in any other way seek to secure the appointment, employment or promotion of any person at any institution, the intent and purpose of this act (G.C. Section 1832 *et seq.*) being to improve the service and discipline at said institutions by entrusting the same to the managing officers thereof without interference save by the rules, regulations and orders of the board.

### 13. Social Service and the Care of the Insane

#### A<sup>1</sup>

The past year has been marked by some interesting developments in the Social Service Division. At the present time social service is active in four sections or divisions within the Department, viz., Institution Service; Division of Mental Hygiene; Division of Feeble-Minded and Division for Examination of Prisoners. Although the main purpose of social service is essentially the same throughout the Department, functions necessarily vary in accordance with the needs and purposes of the various sections in which social work is required.

Social case work with patients in institutions is the chief function of the hospital work—other duties being more or less directly related to case work. The Mental Hygiene Division stresses preventive work, particularly with children of pre-school age—hence the activities of the social service are directed very largely toward educational measures plus case work with this special group. The Division of Feeble-Minded, created primarily for the community supervision of non-institutional feeble-minded persons, has, up to the present time, been engaged in the social study of applications for admission to the Massachusetts School. The original list, containing about 1,467 names, is the foundation of the study. From this list are eliminated subsequent commitments; cases in which adjustments to community life have been made; those in care of social agencies; those not located, etc. The remainder are recommended either for commitment to the Department as community cases, or for commitment to an institution. Social case work is done with all committed cases.

The most recent development is noted in the newly established Division for the Examination of Prisoners. Eight new social workers have been secured for the purpose of medical-social history work on

<sup>1</sup> Extract from "Report of Director of Social Service," *Annual Report of the Massachusetts Commissioner of Mental Diseases for the Year Ending November 30, 1924*, pp. 25-26.



referred lists of prisoners. These histories are to be used for diagnostic purposes only; no social case work is done in this division.

The establishment of social service in new fields, or rather in different divisions of the Department of Mental Diseases, has required considerable time and effort in order that the various sections may function harmoniously and effectively. There has been a steadily increasing demand on the part of private agencies for advice or guidance in cases in which mental factors are involved. This part of the service is both gratifying and potentially far-reaching in results, in that the mental difficulties of clients are being considered by non-medical social agencies dealing with them.

The institution social service appears to be moving along the same general lines and excellent work is being accomplished in a large majority of institutions. Considerable emphasis is being brought to bear upon the economic value of social service in State institutions and there appears to be a growing tendency to place larger numbers of patients in the community under supervision. The ever increasing costs of maintenance make such a procedure more or less imperative and under social service there is, possibly, a minimum of risk involved in such measures. Some studies made during the past year have attempted to interpret the economic value of social work on this basis.

### B<sup>1</sup>

A careful review of Chapter 309, Acts of 1924, revealed that prisoners serving a sentence of more than thirty days, excepting those who were compelled to serve because of non-payment of fine and expenses, together with all those who had served a previous sentence, were to be given a thorough psychiatric examination by a psychiatrist appointed by the Commissioner of the Department of Mental Diseases,—this to apply to all jails and houses of correction in the Commonwealth. Reports of these examinations were to be forwarded to the Commissioner of the Department of Correction together with certain recommendations. This law became effective September 1, 1924, and this division was established on that date.

The first step toward organization of a unit to make these examinations was a careful study of statistics available in order to determine as nearly as possible the number of prisoners to be examined in a given time. This study, when completed, gave the following information:

<sup>1</sup> Extract from "Report of the Division for the Examination of Prisoners Department of Mental Diseases," *ibid.*, pp. 29-32.

1. The larger part of those to be examined could be conveniently reached from five centers, i.e., Boston, Salem, Taunton, Worcester, and Springfield. Consequently, the State has been divided into five districts which, for convenience, have been numbered District No. 1 including Suffolk, Norfolk, and Middlesex counties; District No. 2 including Essex County; District No. 3 including Bristol, Plymouth, Barnstable, Dukes, and Nantucket counties; District No. 4 including Worcester County; and District No. 5 including Hampden, Hampshire, Franklin, and Berkshire counties.

2. Approximately one half of the prisoners to be examined came within the jurisdiction of District No. 1, the other half being unevenly divided among the other districts. From this it was possible to arrange a tentative list of the personnel needed in each district.

District No. 1—Boston .	Five Psychiatrists (part time) Five Psychiatric Social Workers Three Stenographers
District No. 2—Salem . . . . .	{ One Psychiatrist (part time) One Psychiatric Social Worker (District) One Psychiatric Social Worker (part time), vacant One Stenographer (part time)
District No. 3—Taunton .	One Psychiatrist (part time) One Psychiatric Social Worker (District) One Psychiatric Social Worker (part time), vacant One Stenographer
District No. 4—Worcester.	One Psychiatrist (part time) One Psychiatric Social Worker (District) One Stenographer (part time)
District No. 5—Springfield. . . . .	{ One Psychiatrist (part time) One Psychiatric Social Worker (District) One Stenographer (part time)

Psychiatrists who could only give a part of their time to the work were selected because of history of training and experience presented by those applying for positions on that basis. We have been able to secure a complete staff of psychiatrists, but because of a lack of persons trained as psychiatric social workers progress has been somewhat slower in filling the vacancies in that group. At the present time we have only two vacancies, however. . . .

From the first it was realized that uniformity of the methods used would be very necessary. In order to insure this an outline to be used in all districts was prepared. A complete case history is to contain:

1. Social History
2. Medical History
3. Physical Examination
4. Neurological Examination
5. Mental Examination
6. Recommendations

The part devoted to social and medical histories was written by the Director of Social Service of this department. The physical examination guide was arranged by the Department of Public Health, this part of the work having been assigned to that department by the statute. The part covering the neurological examinations was prepared by the staff of this division. This outline is in use and thus far only a few changes have been necessary.

The office equipment and stationery, as well as automobiles for the social workers who have large districts to cover, have been acquired and at the time this *Report* was written all offices were in operation.

An Advisory Committee composed of the Commissioner of the Department of Mental Diseases; Commissioner of the Department of Correction; Superintendent of the Massachusetts School for the Feeble-Minded; Deputy Commissioner and Secretary, State Commission on Probation; and County Commissioner of Middlesex County, will hold its first meeting in the near future. . . .

No attempt has been made to examine prisoners admitted before the date of the opening of our offices in the various districts because of the large numbers involved. As a matter of fact we have been unable to examine all those reported to us on this basis. The number of examinations recorded is increasing each week and it is hoped that we will be able to cover the field in the not too far distant future. Figures we have been able to compile recently indicate that the number to be examined will be much larger than had been estimated. It is possible that this may necessitate increases in personnel and equipment.

The recommendations which are to be sent to the Department of Correction will be formulated in this office. The work will start the first of the coming month. Arrangements have been made with the Department of Public Health which make it possible to forward their recommendations concerning the physical condition of the men at the same time. One troublesome factor is that the law does not require that a physical examination be made of all of the men we are required

to examine. In quite a few instances it has been found that our workers have investigated cases which have not been examined by the jail physician. This is due to the fact that the provisions of the statute are not in agreement. It is hoped that this can be remedied at some future time.

The co-operation we have met with from everyone is most gratifying, and I wish to express my appreciation for the assistance which has been given to us by the officials in the jails and houses of correction as well as the many private and public social organizations.

#### **14. Co-operation between Correction, Mental Diseases, and Local Authorities after the Methods of Social Service<sup>1</sup>**

The Commissioner of Correction respectfully submits the fifth *Annual Report* of the Department of Correction.

On October 31, 1924, Deputy Commissioner George B. Stebbins, having been appointed by His Excellency to the position of Clerk of the West Roxbury Municipal Court, terminated his connection with this department, and Seymour H. Stone, of Boston, long well and favorably known in private social work, accepted appointment to fill the vacancy.

At the time this *Report* is being written there seems to be some uninformed belief that Massachusetts is being subjected to a crime wave. It is true that the figures of prison population are somewhat higher for the year 1924 than for two or three years previous. A [study of the figures shows], however, that our adult prison population is still far below the pre-war level.

It is but natural that the police, prosecuting attorneys, and others engaged in the business of detecting and punishing crime should, upon temporary increase in criminality, immediately call for stiffer sentences, more quickly applied. The Department of Correction, however, again records its sincere belief (and this belief is born out of a long, constant and studious observation of the personalities coming within its institutions) that while temporary measures, such as long sentences, may be advisable, in the long run crime can be abated and "crime waves" prevented only by reforming the individual and preventing the social conditions which cause crime. . . .

Effort is made to shape the discipline in the State penal institutions to that end. We, therefore, gather statistics concerning the early

<sup>1</sup> Extract from *Annual Report of the Massachusetts Commissioner of Correction for the Year Ending November 30, 1924*, pp. 2-6.

life and influences surrounding our inmates; we provide them with steady employment, give them an opportunity to attend school and attempt the difficult task of bringing some new and regenerative influences into their lives. This cannot be called "coddling" the criminal. The deprivation of a man's liberty is the greatest punishment that can be meted out to him. Our important task is to use the period of his enforced restraint as an opportunity to make him a better man.

As a necessary preparation for this task an acquaintance with all the important facts of each prisoner's social, family, individual and industrial history, and an accurate diagnosis of his present physical, mental and neurological condition is vitally important. At the present time three of our five state institutions, those which house the more serious offenders, are well equipped to do this. The histories gathered and prepared at the Reformatory for Women have been the model for institutions the world over. The State Prison and the Massachusetts Reformatory have made much progress in the last few years in this line, and now furnish this department and the Board of Parole with most of the necessary facts required. In the large number of short-term men and those of the vagrant type at the State Farm, the difficulty of gathering the necessary information in the short time they are with us has been encountered. Nevertheless, good progress is being made in this line with regard to the longer sentenced men at this institution.

At the Prison Camp and Hospital a large proportion of the inmates are transferred from county institutions, where no detailed histories or vital statistics have been gathered. It may be that eventually the work done under Chapter 309 of the Acts of 1924, providing for the psychiatric examination of prisoners in county jails will soon be available for the information of the department and the Board of Parole. In the meantime, this department is unable to gather the necessary information in these cases owing to lack of help and to the fact that the Legislature has withheld so far the necessary appropriation to employ the required assistance. The department nevertheless feels that the character and volume of the information gathered in the great majority of the important cases is ample and cannot but be of help to the Board of Parole and all others dealing with these cases, if properly utilized.

As ever, it is difficult to reconcile the point of view of the person who demands severe punishment with the attitude of the man who realizes the complex nature of the crime problem and the great extent to which criminality is determined by forces within and without the individual, over which he has only limited control.

Underlying many of the recommendations of this department is this feeling of the possibility of the redemption of many apparently hopeless individuals, and the Department of Correction again bespeaks the public support in its endeavor to demonstrate what has been proven in many times and places, namely, that the community that resolves to administer punishment as a means of individual reformation will rid itself of crime sooner than the community which demands punishment solely for purposes of revenge or vindication.

Something of this feeling has led the officials of this department to demand improvement in the present housing conditions at Charlestown. It is not their desire simply that conditions be made more agreeable and comfortable for those inmates, but that a new building can be evolved, more economical in its administration and more consistent with the present-day tendency towards classification and reformation. Reference may be had to previous reports of this department for the arguments existing in favor of the replacement of the present structures at Charlestown. The great difficulty of getting the state government to unite upon a policy has led this department this year to present its suggestions for improving the situation in another form. The great objections to the present site of the State Prison are:

- Lack of congregate dining room
- Lack of sufficient exercise ground
- Lack of school room facilities
- Inadequate hospital accommodation
- Inadequate and obsolete industrial buildings
- Lack of plumbing facilities
- Inappropriate site

The department has this year accompanied its annual budget requests with suggestions for improvements which should eliminate all these objections except the last two. Filed with the annual estimates will be found plans and specifications for a new industrial building and for a new service building to include an auditorium, congregate dining room, several school rooms and a modern kitchen and store-room. The plans for the new industrial buildings are so arranged as to double the present limited out-door recreation space.

The last two criticisms seem difficult to obviate. Several expert plumbers have advised the department that the character of the cell blocks makes the insertion of flush closets in the cells an impossibility; and of course no amount of repairs or renovations could overcome the fact that the prison is located in a congested and dirty neighborhood.

The department feels, however, that having asked the Legislature for a new prison for several years, it is justified in bringing to the attention of the General Court an alternative remedy which, while not entirely satisfactory, will go a long way toward making the State Prison at Charlestown a better prison and help restore the Commonwealth of Massachusetts to its position as a leader in penological work in this country.

The Department of Correction cannot refrain from noting the great increase in co-operation between the state department and those having charge of county institutions. The discussion, which raged for several years as to the means of increasing such co-operation, terminated in 1924 with the enactment of Chapter 309. Under the able leadership of the Department of Mental Diseases, the psychiatric examination of about nine thousand county prisoners annually is being undertaken, and the results in the form of history charts are being sent to this office in conformity with the provisions of that act. The department is informed that between fifty and sixty thousand dollars annually will be required to do this very important work. The recent increase in the work of the Department of Correction, both in character and volume of work, will make it necessary that some extra help be given if the opportunities which will so obviously present themselves as a result of these investigations are to be taken advantage of.

Many of the chronic cases of recidivism in our houses of correction are undoubtedly irremediable. One has only to look over these investigations, however, to perceive that a very great opportunity exists in some of these cases to apply the principles of scientific social work in a preventive way and thus help to stem the tide of criminal recidivism in our classified penal institutions.

Co-incident with the termination of the discussion above referred to which unfortunately developed the appearance of a contest, considerable improvement has been noted in the conduct of many of the county institutions. The Department of Correction expresses the hope that a new era of mutual helpfulness and co-operation has been entered upon, and that the Commonwealth of Massachusetts is about to join with the various county organizations in a joint attempt to combat the question of crime in an effective manner.

In general, the physical condition and aspect of the county institutions is much improved. Within the last five years, four of these places have been abandoned.

### 15. The Prison Authorities Co-operate with the State Highway Authorities<sup>1</sup>

SECTION 1. The state highway commission of the state of California may employ or cause to be employed, convicts confined in the state prisons in the construction, improvement and maintenance of the state highway system, provided for in the "state highways act" approved March 22, 1909, the "state highways act of 1915," approved May 20, 1915, and in section two of article sixteen of the constitution, and in the construction, improvement and maintenance of any other state roads in California.

Upon the requisition of the state highway commission, the state board of prison directors shall send to the place and at the time designated the number of convicts requisitioned or such number thereof as are in the judgment of the warden available. All convicts so employed as aforesaid shall receive not to exceed the sum of two dollars fifty cents per day for the number of days which such convict shall actually perform labor upon the construction, improvement and maintenance of the state highway system; *provided*, however, in no event shall said convict earn more than seventy-five cents net per day; *provided*, however, that the convicts, when so employed, shall be charged with his or their proportionate share of all expenses for the proper maintenance of the road camp, including the expenses of transportation from the prison to the road camp, clothing, food, medicine, medical attendance, toilet articles, tools and appliances for the performance of such labor, and the pro-rata cost of reward for capturing escapes from the road camp, which award is hereby fixed at the sum of two hundred dollars for the capture and return of each escaped prisoner, payable to any individual or peace officer.

No convict while engaged in such construction, maintenance and improvement of the state highway system or any other state roads

<sup>1</sup> "An Act Authorizing the Use of Convict Labor on State Highways or State Roads; Providing for the Compensation of Such Convict Labor; Regulating the Handling of Such Convict Labor; Providing for Payment of Compensation to the Dependents of Such Convicts; Providing for a Forfeiture of Such Compensation; Providing for Creation of Prisoners Recreation and Educational Fund; Providing for Manner of Payment of Compensation to Said Convicts upon Release on Parole or Release or Discharge from Prison; Authorizing Allowance of Extra Time Credits for Such Labor; Providing Penalties for Interference with Such Convict Labor and Repealing All Acts or Parts of Acts in Conflict Herewith, June 9, 1923," *General Laws of the State of California as Amended up to the End of the Session of 1923*, Part I, pp. 534-37 (Title 132, Convicts, Act 1677).



shall be engaged as drivers of motor trucks or other vehicle or wagon used in the construction, improvement or maintenance of such highways or state roads or in the transportation of supplies and materials to or from the road camp where the said motor trucks or other vehicle or wagon in the course of such hauling of materials and supplies in such construction, improvement or maintenance of such state highways or state roads, shall be required to travel to places or locations away from the camp limits of the prison road camp.

After deducting all such expenses as aforesaid the California highway commission shall give two-thirds of the balance of such sums so earned to the dependents of the convict or convicts; *provided*, that the dependents of the convict or convicts are in need and are obtaining state aid or if the dependents of the convict or convicts are not obtaining state aid then the convict or convicts may direct to which of the dependents of the said convict or convicts the said money herein provided for shall be given; and the remaining sum after such deductions as aforesaid, if any, shall be retained until the convict shall have completed his term of parole or earned his release or discharge from prison; *provided*, however, that in case said convict shall not have obtained work or employment at the time of his release on parole and there shall be a balance of money to the credit of said convict with the California highway commission then the said balance shall not be paid to the convict in any sum greater than fifty dollars per month until such convict shall obtain employment;

*Provided, further*, that in case of a release of the said convict on parole the state board of prison directors may in its discretion specify a reasonable amount of such balance to be retained by the California highway commission for the purpose of insuring the good behavior of such convict while on parole and transportation to the place of confinement in case of the violation of the terms of his parole;

*Provided, further*, however, that it shall be within the discretion of the board of prison directors in the case of a convict released or discharged from a prison to direct that certain portions or amounts of any sum due to such convicts from the California highway commission, be advanced or furnished to such convict either for the purposes of business, transportation to any place of employment or such other purposes as the board shall deem proper and necessary. Every convict upon his release on parole or release or discharge from prison shall deliver to the California highway commission all tools and appliances mentioned herein and for which said convict is charged and shall there-

upon be entitled to receive in addition to the amount herein specified the amount so charged against him for the tools and appliances.

When any convict shall willfully violate the terms of his employment, or the rules of the road camp or of the terms of his parole the board of prison directors may in its discretion determine what portion of all moneys earned by the convict shall be forfeited by the said convict and such forfeiture shall be deposited in the state treasury in a fund to be known as the "prisoners fund," which said fund is hereby created. All the money in said fund is hereby appropriated for educational and recreational purposes at the prison road camps as the same shall be established and shall be expended under the direction of the highway commission upon warrants drawn upon the state treasury by the state controller after approval of the claim therefor by the state board of control.

SEC. 2. The state highway commission shall designate and supervise all road work done under the provisions of this act. It shall provide, supervise and maintain necessary camps and commissariat.

SEC. 3. The board of prison directors shall have full jurisdiction at all times over the discipline and control of the convicts employed on said roads.

SEC. 4. The expenses of transportation of labor, necessary guarding, commissariat, camps, and all other expenses incidental to such work shall be borne by the respective funds provided for such state road or highway in the manner provided by law, subject, however, to the provisions of section one hereof.

SEC. 5. Said convicts when employed under the provisions of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor.

SEC. 6. The state board of prison directors is hereby empowered and directed to adopt a special rule applicable solely to convicts employed as herein authorized and contemplated, whereby convicts so employed shall be granted additional good time allowance in addition to the compensation herein provided, conditioned upon their loyal obedience and efficient co-operation with the state in the construction, improvement and maintenance of the state highway system or state roads and in the maintaining of discipline and good conduct in the prison road camps, but such additional good time allowance shall not exceed one day for each two calendar days that the convict is absent from the prison.

### 16. The Pennsylvania Department's View of the Field<sup>1</sup>

On recommendation of the Governor<sup>2</sup> the method of appropriation to private hospitals was changed by the Legislature of 1923 from that of grants based upon the ability of the institution to show a deficiency in operation, (which method was conducive to bad business management and juggling of bookkeeping), to compensation at a per diem rate for service rendered the indigent sick. The Legislature, however, continued its custom of many years standing of fixing the amount of appropriation to the individual hospital instead of adopting the plan suggested by the Governor that the total appropriation be made to the Department of Welfare, the latter to purchase service at a specified rate from any hospital equipped to render it.

It was provided that the Department should set up such rules and regulations and provide such organization as it deemed necessary to establish the right of patients to receive free state care in order to meet the provisions of these special acts.

These two major functions added greatly to the responsibility placed upon the Department.

#### POLICY OF THE DEPARTMENT

In considering the policies which should guide the Department in its development it was determined that:

*First.*—Major emphasis should be placed upon education of the public, Boards of Trustees and Superintendents rather than on such police powers as the law might give in the effort to improve standards of scientific work, social service or business management in various fields.

*Second.*—That the principle of "home rule in welfare work" should be recognized as fundamental and that local responsibility and initiative should be encouraged in all social activities whether conducted by private charity or public officials.

*Third.*—That the Department should so develop its organization that it should be ready at all times and in all places to render expert consultation and advisory service to communities, organizations and individuals throughout the State in all matters relating to professional social work or institutional administration.

<sup>1</sup> Extract from *Second Biennial Report of the Secretary of Welfare for the Period Ending May 31, 1924* ("Pennsylvania Department of Welfare Bulletin 18," January, 1925), pp. 5-6.

<sup>2</sup> See below, Section IV, Document 7.

*Fourth.*—That in the re-interpretation of the laws under which the Department operates the emphasis should always be placed upon the prevention of the conditions which have created the necessity for public and private welfare activities, namely, the Prevention of Poverty, the Prevention of Delinquency, the Prevention of Crime and the Prevention of Mental Disease and Defect.

The development of the Department during this biennium has been based upon the principles noted above.

## SECTION II

### INTRODUCTORY NOTE

It has been pointed out that while the relief of the destitute and the agencies for law enforcement were local in their organization, certain groups have been from a relatively early day considered appropriate subjects for state action. The groups for whom the state established institutions and agencies were in fact from among the economically disadvantaged, but it was generally with reference to other factors in their distress than their poverty that central, i.e., state, action was taken. It is perhaps clear from the foregoing sections that with reference to those services taken over by the state there is a general belief that distinct advance has been made. The relief of the destitute and the treatment of the misdemeanant, however, remain largely local and largely of county responsibility. Here it must be acknowledged that relatively little advance can be noted. The almshouse, outdoor relief, and the jail remain in each case archaic survivals, travesties on the poor, breeding-places of dependency and crime.<sup>1</sup>

It is generally acknowledged that the county is in the governmental system of the United States a retarded and retarding factor.<sup>2</sup> It has been characterized as the "Dark Continent" in American public administration.<sup>3</sup> The welfare work suffers as other interests intrusted to county administration suffer. It is needless to multiply evidences that the old problems are still to be faced. In this section certain proposals for control are set out. As has been pointed out, the greatest activity is found in the child-welfare field, where very considerable advance has been made and there are points at which constructive changes are in process of development.<sup>4</sup> Here, again, it is hoped that greatly increased attention may be given to setting out the facts, since on a knowledge of the facts alone can sound remedies be based.

The documents in this section are not numerous and are perhaps self-explanatory. Among them are proposals similar to those found in

<sup>1</sup> See above p. 17, footnote 4.

<sup>2</sup> See Document 3.

<sup>3</sup> See Leonard D. White, *Introduction to the Study of Public Administration*, p. 468.

<sup>4</sup> See especially the *U.S. Children's Bureau Pub. 107, County Organization for Child Care and Protection* (Washington, D.C., 1922).

Section I, only made in different jurisdictions at later dates.<sup>1</sup> It will be recalled that the policy of Wisconsin in the substitution of control for supervision was clear cut and positive.<sup>2</sup> In the same way, the Wisconsin policy in the matter of the care of the "chronic insane" involving co-operation between the state and the county, has been one regarding which the welfare officials of that state have cherished no doubts.<sup>3</sup>

These deficiencies in the county government call, of course, for especial intelligence and effort in order that reorganization may take place as rapidly as possible, and from many sources proposals for reorganization are made, of which a sample is cited here.<sup>4</sup>

It may be pointed out that through the efforts of the United States Children's Bureau together with such private national organizations as the National Probation Association and the Child Welfare League of America, national standards of child care are being worked out. Where such standards are recognized, the necessary relation of the state government to the county government will be developed and recognition of state minima will occur. In the absence of such an agency of national scope able to assist the states and local jurisdictions in the other welfare fields, diversity continues to characterize the work within any state as well as the work of one state when compared with that in any other commonwealth.

<sup>1</sup> Documents 1, 4, 5, 6, 7, 8, 9.

<sup>3</sup> See Document 2.

<sup>2</sup> See Part II, Sec. I, Document 11.

<sup>4</sup> See Document 10.

## LATTER-DAY PROBLEMS OF COUNTY WELFARE

### 1. County Institutions in Michigan

#### A. CONDITIONS PREVAILING IN THE ALMSHOUSES<sup>1</sup>

The poor-houses of the State number some 45, and are generally located on a farm owned by the county, a short distance from the county town. But few of the buildings have been constructed for the purpose for which they are used. In most cases a farm with a dwelling house already upon it has been purchased, and additions from time to time, as they seem to be required, made to the house. The building thus pieced out and patched up is in the majority of cases inconvenient, poorly constructed, and without any adaptation to the object to which it is appropriated. With no convenience for a division of the inmates, or a complete separation of the sexes. With low ceilings, small windows, no drainage, and oftentimes damp and cold, without means for safely heating and properly ventilating the rooms, it fails to meet the wants and requirements which such a building should supply.

While these remarks apply to not a few of the poor-houses, there are a number that have been designed and constructed especially for this purpose.

They are usually commodious, ornamental, and admirable in many respects, but frequently are illy arranged, owing to the fact that they have been planned by men inexperienced in the erection of such buildings, who have overlooked things essential to the comfort and classification of the inmates.

The keepers are generally good and humane men, quick to discern the peculiarities of the paupers, and prompt and kind in managing them. They are usually good farmers, and much of the time are away from the house superintending work upon the farm. As a consequence, a large share in the control of affairs at the house falls upon the keeper's wife, and these women generally manage the inmates well.

The condition of these houses, considering the character of the inmates and the limited facilities and provision for caring for them, is usually good. While some few are dirty and disorderly, displaying a

<sup>1</sup> Extracts from *First Biennial Report of the Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions, Michigan (1871-72)*, pp. 66-71, 76.

want of neatness, and sometimes almost a lack of decency on the part of those in charge, the great majority are kept in a fair condition so far as relates to cleanliness and order. The association under one roof, as is frequently the case, of the old and the young, the sane and the insane, the sick and the well, of diseased, dirty men, and squalid women and children, makes it quite out of the question, without ample provision for separation, to keep such a house in a perfect condition of neatness. Yet we have gone into some poorhouses in the State where everything was as neat, as clean, and as orderly as in any family house, and we have wondered how such results could be accomplished under the circumstances. In this connection we may add, that in every such establishment we found that the inmates were kept, as far as possible, at some regular, moderate labor, and that such as were able were required and made to keep their rooms and themselves thoroughly clean; and we are satisfied that light work, occupying the attention and interesting the thoughts of the pauper, not only promotes health, but serves to prevent him from lapsing into a condition of laziness and filth.

Our poor-houses have an average population of about fifteen hundred persons. Of this multitude of dependents, about two hundred and fifty are insane; one hundred and twenty-five idiots; forty blind; twenty mutes; and about three hundred afflicted with epilepsy, deformities, and chronic diseases, that totally unfit them for self-maintenance. Of the whole number, toward one-fourth are children under sixteen years of age.

*Pauper Children.*—The condition of these children, we are glad to say, has already occupied the attention of the State authorities, and measures have been inaugurated to place them under better influences and amid different surroundings. Their wants are such, that provision should be made for them as speedily as possible; and we look with anxiety for the completion of the building for the State School at Coldwater at an early date, in order that these children may be removed from the terrible circumstances in which they are now placed. In some of the counties these pauper children are not only growing up amid the degradations of the poor-house, but they are denied the privileges of instruction in the common district school, the neighbors regarding them as unfit to associate with their children, and creating a sentiment in the district that excludes them.

*Insane Paupers.*—Of all the inmates in these poor-houses there are none in a more deplorable condition than the insane paupers. About one-third of the whole number of them are kept closely confined in cells,



most of which are small, dark, and filthy in the extreme. They are frequently noisy, and at times rave violently, using language unfit to be heard. They are a constant source of annoyance and trouble to those who have them in charge, who, being unskilled in the management of crazy persons, frequently become vexed with them and treat them with harshness and severity. Many of them have no bedding and no clothing, destroying both as fast as put within their reach. They are regarded as beyond cure, and receive no treatment whatever for the ill that afflicts them. Thus they remain, often for years, until death comes to relieve them. Those who are allowed the freedom of the premises are in a better condition, but nothing is done to help them, and they gradually grow worse. In some instances the same inmates of the house, especially the females, greatly fear them. We believe that by judicious and proper treatment many of them might be restored to a right mind. In some instances, without treatment, reason has returned. The wife of the keeper of the Jackson County poor-house informed us that a woman who was for a long time shut up in that institution, and who was regarded as incurable, to their surprise, came to her senses and returned to her home where she has since remained perfectly sane. This may be a very exceptional case, but it is evidence that even the worst cases are not hopeless; and we think these insane persons should be removed from the poor-houses and placed in asylums, where they may be properly cared for and have opportunity for cure.

*Idiots.*—The condition of the idiots in the poor-houses is not much better than that of the insane. . . .

*State Hospital.*—Our examination of the poor-houses of the State develop the fact that they contain quite a large number of persons suffering from chronic and nervous diseases, from cancers, syphilis, and spinal afflictions, as well as from deformities, caused by contractions, curvatures, and diseases of the spine and joints. Some of these afflicted ones are children and youth. Many of them, if properly treated by experienced physicians, and surgeons, might be relieved and restored to a condition that would enable them to earn a living, and thus save the public the expense of maintaining them during life. They can not properly be cared for in the poor-houses, and generally are lying there in a most pitiable condition; some of them absolutely rotting by inches, with sores that emit a smell so foul as to make the air all about fairly sickening. They usually require a great amount of care, and frequently are neglected. In most cases their difficulties are of such a character as to demand that medical skill, experience, and ap-

paratus only to be found at the schools of the profession, in hospitals, or where there are large numbers engaged in the practice of medicine and surgery. Both public interest and humanity demand that some provision should be made where these sufferers can be treated. This can only be done by the erection of a hospital by the State, where persons of this class can be sent by and at the expense of the several counties. We apprehend that such a hospital can be erected without a very large expense. The buildings may be simple and comparatively inexpensive, and by locating them at Ann Arbor, very important results could doubtless be accomplished, viz.: The hospital could be furnished with the most skillful medical attendance from the faculty of the Medical Department without expense to the State. The Medical Department of that great public institution would be made far more useful to the public by having furnished to its students the advantages of witnessing the practical treatment of disease by eminent physicians and surgeons. Again, a corps of physicians and surgeons, as eminent as the medical faculty of the University, would attract to the hospital many patients who would be both willing and able to pay liberally for their support while there.

*Dissolute Paupers.*—There are two principal classes of poor-house paupers. First, those who are helpless and dependent, such as the insane, idiotic, sick and crippled, aged and infirm, infants and young children, and those who are unfortunate, but deserving and willing to work. This class may justly claim to be supported at the poor-house, until some different and better provision may be made for them. They are objects of real charity, and are rightly entitled to relief and help from the public.

The second class consists of vagrants, idlers, and dissolute paupers, who often times are not only lazy but criminal. They seek the poor-house to be maintained in idleness at the public expense. They are generally the very worst class of paupers; low, vile, and miserable, contaminating the whole establishment, and creating disorder and trouble. They are usually fault-finding, quarrelsome, and often dangerous.

.....

The poor-house register should embrace, under appropriate heads, the items required to be reported by the superintendents of poor to the Secretary of State, with a brief history of each pauper. To secure this work well and faithfully done, form books should be provided, and a penalty imposed by law upon officers required to keep such records who neglect to do so.

B. THE NEED OF RECORDS<sup>1</sup>

Provision should be made by law for a uniform system of records in jails and poor-houses. From many of the counties it is impossible to get anything like correct statistics. In some no records are kept; in others they are so incomplete as to be almost wholly worthless, while in a few instances they are quite full, and kept in a neat, systematic, business-like manner. Direct statistical facts often make plain what may have seemed doubtful, and furnish a solid basis to build upon, which theories and estimates cannot. If we could have complete statistics, and take the exact measure of crime and pauperism of all grades in our midst, we should be much better prepared for intelligent action in the application of remedies therefor.

The jail record should show the name, age, offense charged, date of admission, time of discharge, and social condition of each prisoner, with a description of the person, and brief statement, as far as the same can be ascertained, of habits and previous history. Such a record would be valuable as a means of accurately ascertaining the number of commitments and re-commitments, with the principal source of crime, and it would furnish a complete description by which a prisoner, in case of escape, might be followed and identified. With this record, and the further precaution, said to be in practice in some jails, of photographing all prisoners of a desperate and dangerous character, charged with high crimes, like murder, arson, rape, burglary, or grand larceny, the number who get away and succeed in staying away might be greatly lessened.

## C. RECOMMENDATIONS

A law requiring sheriffs and poor-house keepers to make uniform records in relation to all persons committed to the jails and poor-houses, in the manner to be pointed out by law.<sup>2</sup>

We ask a careful consideration of the general condition of our county poor-houses as disclosed in this *Report*, and we especially call attention to the recommendation therein contained for a modification of the present laws on this subject, so as to authorize the establishment of a system of district alms-houses.<sup>3</sup>

<sup>1</sup> Extract from *First Biennial Report of the Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions, Michigan* (1871-72), pp. 75-76.

<sup>2</sup> *Ibid.* p. 77.

<sup>3</sup> *Second Biennial Report* (1873-74), p. 59.

## 2. County Care of Insane Paupers under State Supervision<sup>1</sup>

That the incurable insane should have more humane and at the same time more economical care, is a fact which is forcing itself upon the attention of philanthropists and statesmen.

The rapid increase of this class, either by accumulation or by a growing frequency of the malady of insanity, is crowding the question to the front, and, under the system generally prevailing, threatens in the near future a burden of taxation that is appalling to the political economist.

There are causes for the disturbed or diseased mental condition of so large a number of the human family. There are also remedies and means of prevention discoverable in the realms of natural and pathological science; and we can but hope, that in view of the earnest thought and deep research given to all these great questions, that a mastery will soon be gained over the danger that threatens to render the burdens of society quite unbearable.

In the meantime, what shall be done with the dependent incurable insane? Can not we care for them as wisely and humanely, and at the same time more economically?

The insane hospitals of the United States are all, except at Kankakee, Illinois, so far as I am informed, built on one general plan. Each state undertakes to care and provide for all its insane. The buildings provided are used both as hospitals for the acute, or recent, and the chronic or incurable cases. The increase of the insane has been in excess of accommodations provided, and there is now no state where the insane are all in state buildings.

Almost irremediable mistakes have been made in dealing with the question of insanity; none perhaps more serious than the attempt to care for all, and to gather both acute and chronic into the same building, and that constructed for a hospital.

While from four to eight dollars per capita per week might not be deemed extravagant for hospital treatment, we must consider that not to exceed thirty per cent of the inmates of our hospitals are looked upon as curable cases, leaving seventy per cent as incurable. The tax-payers have reason to complain of the wisdom, or lack of wisdom, of those who planned the existing order of things, especially when they are told that it has required from eight to fifteen hundred dollars per capita to build the houses they occupy.

<sup>1</sup> By H. H. Giles, *Proceedings of the Ninth Annual National Conference of Charities and Corrections* (Madison, 1882), pp. 97-102.

It is not my purpose to enter into any historical details of insane hospitals, interesting as they would undoubtedly be. Suffice it to say that they furnish us with remarkable instances of epidemic aberrations of the brain.

Another mistake made was in providing for so large a number under one administration. The plan for our hospitals was devised by the American Association of Superintendents of the Insane, and, in the early years of its history, the Association limited the maximum number to be treated in one building to two hundred and fifty, quite high enough. But, as the insane increased in numbers, the maximum was also enlarged, or their ideas expanded, until five hundred were thought not to be too many to be cared for in one institution. Several institutions today contain nearly a thousand patients. Probably the growing ambition of specialists to be at the head of large institutions may have had something to do with the decisions of the Association.

A large majority of the insane belong to the humbler classes of society, and many are wholly dependent upon public bounty. They were poor in purse and without wealthy friends or relations when misfortunes overtook them. Such become the wards of the state, and it must bear the expense of their support. That they should receive kind treatment, and their wants be even generously supplied is the dictate of our civilization. How can we most conscientiously, reasonably and cheaply care for them?

As a rule the insane do not lose all memory of early life. Habits acquired in the home circle become second nature, yet in removing patients to hospitals this fact is too often forgotten. The difference in circumstances and surroundings creates a feeling of great unrest, and homesick despondency often aggravates their disease. It has always been urged that insane persons should at as early a day as possible in their malady be taken to a hospital for special treatment; yet how little individual attention is given individual cases; how much must be sacrificed to patients collectively. The first experience is that of being placed with from fifteen to thirty other insane persons and compelled to associate with them in the wards and at meals. Comparatively few recover or improve, and the wonder is that the percentage of cures is not even smaller than it is. The whole atmosphere of the buildings and grounds, however much care may be exercised, is laden with disease. From a common sense standpoint we fail to see any reason, either sanitary or scientific, for aggregating the insane in large numbers. On the other hand it seems to us the height of refined cruelty. It is endured

only because it is refined and because it is sanctioned by law and approved by blind philanthropy.

The State Board of Charities and Reform in Wisconsin has vigorously wrestled with the problem of the chronic insane since its organization in 1871. It early adopted the teachings of the sincere but unwise experts in charge of the insane hospitals of the country, viz.: that all classes should be placed in the same institution and that the state only could extend proper care. In the early years of the board it annually recommended hospital enlargement to the legislature. But the increase of insane was greatly in excess of the enlargements made. It was urged that an asylum be erected upon the grounds of one of the Wisconsin hospitals of sufficient capacity to take all the chronic insane from the poorhouses. Institutional jealousy, with perhaps other causes, defeated the purpose of the board. In the meantime particular attention had been bestowed upon county poor houses. As their standard of excellence was raised, the condition of the chronic insane remaining in them was improved. The overseers and matrons in studying the cases with a view toward personal influence, naturally became more interested. They soon found that occupation and employment were conducive to quiet and order; that diseased minds should not, any more than healthy ones, be allowed to prey upon themselves. With only a limited number to superintend, it was seen that the peculiarities and idiosyncracies of each could be studied, and the special attention given generally resulted in the awakening of some dormant faculty, or in the glad discovery that a new world had been opened to a darkened soul. The violent were tamed by their own industry, the morose and sullen were lifted out of themselves by their own cheerful occupations, the demented gained strength by their own efforts, however feeble, to do something. In these respects the poorhouses, with a small number, were found to possess decided advantages over the large hospitals, where patients must be treated almost in a mass. The system of non-restraint and light occupation has been very successful in hospitals also. I will not detail the instances which our records show, but will only state that in Wisconsin the cases of insane paupers, who are able-bodied and not actively employed, are the exception in most of our poorhouses.

Objections to this plan are raised because county boards are proverbially stingy and politically designing. It is true that they are composed of many self-prospective candidates for legislative honors, ambitious to acquire a reputation for economy, and who have it in their power to withhold the means for making insane paupers comfortable.

But the aid from the state is an incentive to good care and the best conditions in county asylums. It is also argued that inhumanity and even cruelty might be practiced. Such an abuse of power is no more likely to arise in a county asylum than in a state hospital, and the chances of exposure are much greater in the former than in the latter. Our information regarding affairs in the wards of our hospitals must necessarily be limited, while there is much familiarity with the inner workings of our county poorhouses. Our experience has been that any abuses practiced in them soon meets the public ear or eye.

Under what regulations shall the counties be permitted to care for the insane? The following abstract of the Wisconsin law will give the best judgment of the Wisconsin Board of Charities and Reform on this subject:

Whenever in the opinion of the Board of Charities and Reform there is insufficient provision for the insane in the state hospitals and county asylums, they may file with the secretary of state a list of those counties that possess accommodations for the proper care of the chronic insane, and thereafter each of said counties which shall care for its chronic insane under such rules as said Board may prescribe, on the properly verified certificate of said board to the secretary of state, receive the sum of one dollar and fifty cents per week for each person so cared for and supported as further provided.

On the first day of October in each year, the superintendent of the poor or other officer having charge of the poor, certifies to the secretary of state the names of all persons cared for at public cost, the number of weeks supported, etc. If such certificate is approved by the State Board, the secretary of state includes the amount in the next state tax, and on the first day of February places the amount to the credit of said county.

The board is also given the power of transfer of patients from counties that possess insufficient accommodations for their own insane, and at the expense of the county to which they belong, to other counties. Whenever a county possesses accommodations for the care of a greater number of insane than belongs to it, it may receive such additional insane as the State Board of Charities and Reform may direct to be transferred to it, and for the care of such so transferred the county caring for them shall receive the sum of three dollars per week, one-half the amount to be paid by the county to which they belong and one-half by the state.

In addition, the amount expended for clothing such persons shall be paid by the county to which they belong. No county is entitled to pay for the care of any person that has not been adjudged insane under

the laws of the state, nor for the care and support of any insane person who is not lawfully and necessarily a public charge.

The rules adopted by the State Board of Charities and Reform are as follows:

1. The buildings or parts of buildings set apart for the insane must be sufficiently warmed, lighted and ventilated. They must be clean and free from all offensive odors; and in addition to the sleeping apartments, they must have an associate day room or common sitting room for each sex.

2. There must be a large airing court or enclosed yard for each sex.

3. There must be a sufficient number of special attendants for each sex.

4. As far as possible regular occupation should be provided for the insane, at such kinds of work as they can be induced to engage in. We would specially suggest gardening and farm labor for the men and housework for the women.

5. Restraints of all kinds, such as shutting up in cells, tying the hands with handcuffs, or "muffs," or shutting into covered beds, should be used only in extreme cases.

6. A daily record book must be kept showing the persons in restraint, the kind of restraint and the reasons for it.

7. The overseer of the poorhouse and his wife and all employes who have charge of the insane must be intelligent and humane persons of correct habits.

8. Some experienced physician must be appointed county physician, who shall thoroughly inspect the building and patients as often as may be necessary, and at least semi-monthly.

9. The overseer of the poorhouse and the county physician shall report to the State Board of Charities and Reform, or of any person or persons authorized by them.

10. The buildings or parts of buildings set apart for the insane shall at all times be open to the inspection of the State Board of Charities and Reform, or of any person or persons authorized by them.

11. The State Board of Charities and Reform may at any time add to, change or modify these rules as they may deem best for the interests of the patients.

A rigid observance of the above rules is required on the part of the board. Neglect or non-observance will endanger any aid from the state.

Under the system adopted the care and support of the insane is but little more and generally less than one-half what it costs in our state hospitals. It needs but a visit to the poor houses of the state and a familiarity with the workings of the system to confirm the most skeptical that it, at least, has the merit of humanity. Our experience is, that, as a rule, the insane are more quiet naturally than in our hospi-



tals. No drugs or opiates are used, or if ever, very seldom used—exercise and occupation obviating to a great extent this necessity.

The farms connected with the poor houses afford work for nearly all, and nearly all the inmates returned from the hospitals are found able to do some kind of farm or garden work.

On the score of greater economy and a wiser humanity, then, we favor county care of the chronic insane under efficient state supervision.

### 3. Illinois "County Farms"

#### A. THE DELAPIDATED COUNTY HOME<sup>1</sup>

Many of the paupers on county farms in this state live in decaying, tottering houses, occupy rooms infested with vermin, sleep in beds which are filthy, and are supplied with scanty, ill-cooked food, while some of them are too poorly clad to hide their nakedness. Very many of them are left absolutely without religious instruction or consolation. The children in almshouses are especially to be pitied. Many of them are growing up without education, and all of them are demoralized and degraded by their associations. It is not right that one of them should be left where they now are. The condition of the insane, and of the idiots, in these establishments, is also deplorable. Kindly treated by some keepers, by others they are regarded and treated as if they were animals, and not men—indeed not so well as animals capable of earning money for their owners. They are neglected, abused, confined with chains, locked up, left in nakedness and filth, caged, and not a soul has for them a friendly word. The medical supervision of them is wholly inadequate; they have no proper personal attendance; they are without amusement or occupation of any sort. Some of them are taken out at long intervals for an airing or to be washed, possibly by standing them naked in a corner and throwing water upon them with a hose-pipe. Others remain in their cells or dens from one end of the year to the other. Their mental malady is aggravated by neglect and cruelty, and their only hope is in death. The darkness of the grave is preferable to such a living tomb.

The blame for this state of affairs does not always rest upon the keeper of the almshouse, but is shared in still larger measure by the county board. If the county board is indifferent, niggardly or incompetent, the paupers pay the penalty. We have no doubt that some su-

<sup>1</sup> Extract from *Seventh Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1882), pp. 234-35.

pervisors are actuated by a contemptibly selfish desire to achieve a reputation for economy in the administration of public business, in order that they may turn it to political account and use it as a stepping stone to office. There are also supervisors who have gained wealth by the most painful self-denial and privation, patiently borne for the sake of accumulating a fortune, who, now that they are independent, still retain the habits engendered by their early experience in life, and are reluctant to incur any expense which can be avoided, in the care of the poor, because their property will be taxed to meet it. Others still are influenced by local jealousies, disputes and conflicts, of which one of the most common is that between the town and county members of a county board. Whatever may be the reason, there are counties in which all the efforts of the best men in and out of the board, continued for years, have proved wholly unavailing to remedy the evils complained of. The reply to all argument is: "It is good enough for paupers," or "They live better than many people of the county," or "The taxpayers will not stand it."

We have no words strong enough to express our reprobation of the practice of letting out paupers to the "lowest and best bidder." Surely a county board can select a suitable man, with a good wife, to take care of the county farm, without advertising for proposals for the service and inviting competition between rival applicants for the position of keeper. The lowest pay means simply the poorest fare, and the houses kept by such bidders are "poor" in every sense of the word. Neither do we approve of those contracts by which the keeper is paid a per capita allowance for the care of paupers. Under that system, his profits must come out of the unfortunate creatures committed to his tender mercies; he lives, of necessity, at their expense.

#### B. THE SOURCES OF PAUPERISM<sup>1</sup>

We have caused inquiries to be made of the keepers of almshouses, somewhat similar to those addressed to sheriffs, and find that pauperism is even more generally attributable to intemperance, than is crime. Other causes are said to be: old age, sickness, being crippled, misfortunes in business, insanity, idiocy, blindness, deafness, orphanage, desertion, ignorance, improvidence, vicious habits, thriftlessness, laziness and bad management. Pauperism is to a considerable extent hereditary. For its suppression, very many of the same suggestions were

<sup>1</sup> Extract from *Eighth Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (1884), p. 225.

made as for the suppression of crime, in the previous chapter. In addition, the importance of training children to habits of economy and frugality, especially of saving money, was insisted upon; and more or less desire was expressed for some amendment of the marriage laws, which would have the effect of putting a stop to the propagation of paupers and of those likely to become such. . . .

The condition of the children upon the county farms continues to give us much anxiety. In many counties, pains is taken to find homes for such children, and many thus placed out are reported to be doing well. In others, little or nothing is attempted in this direction. There is a general agreement, on the part of poor-house keepers, that the county farm is the worst possible place for a child. In Sangamon county, pauper children are sent to the Home of the Friendless; and in Cook County, many have been placed out in private charitable institutions in Chicago. But the 500 children now in our poor-houses cry to us for help in some form.

#### 4. Poor Relief in Minnesota<sup>1</sup>

In ten counties of the State, viz.: Benton, Carver, Douglas, Freeborn, Hennepin, Kandiyohi, Le Sueur, Sibley, Stearns and Wright, paupers are made a charge upon the several towns under special laws. This is the Massachusetts system and prevails in some other states. The Board of State Charities of Ohio has recommended the adoption of the town system of outdoor relief in that State.

The advantages claimed for this system are unquestionable, viz.: closer contact between the poor and the disbursing officers; decreased liability to imposition and greater interest on the part of taxpayers. But it seems to me to be best adapted to a populous, fully organized community. In our sparsely settled towns the total tax levy for pauperism is often only from \$20 to \$40 yearly. A single case of sickness or surgery exhausts the fund in a short time, and neglect is liable to follow. A family becoming a public charge is felt as a very heavy burden upon such a community, and in some towns it is an open secret that such cases are disposed of by giving them a railroad ticket to some distant point.

The cheapness of this system as compared with the county system, is not demonstrated. We have statistics for only one year, and those

<sup>1</sup> Extract from *First Biennial Report of the State Board of Corrections and Charities to the Legislature of Minnesota for the Period Ending July 31, 1884*, pp. 170-73.

statistics are imperfect. While the counties having the town system spend less than the average, they do not spend less than economical counties under the other system. E.g., the rate of Freeborn County under the town system is 18 cents per inhabitant; while that of the neighboring county of Olmsted is 16.8 cents, and that of Fillmore is 10.4 cents under the county system. Carver County spends only 10 cents per inhabitant, but McLeod, with about equal population, spends only 6.6 cents. Benton County spends only 2.6 cents under the town system, but Lincoln and Lac Qui Parle counties report very little more. And as a matter of fact, pauperism costs more in Massachusetts proportionally than in any other State whose statistics are available, and there the town system is universal.

In our new State, with many sparsely settled districts, the county system serves as an insurance to small towns against epidemics and extraordinary expenses. In Wright County, where the town system prevails, the county had to come to the rescue of the town treasuries, two or three years ago, when the small pox broke out.

When the State shall become thickly settled the town system will probably best secure economy and efficiency. . . .

Indoor relief is extended to that part of the pauper population which is lodged and fed at the public expense, whether in private families, hospitals or poor houses.

In counties where there are no poor houses, and sometimes where there are poor houses, homeless paupers are boarded in private families at county expense, at so much per week. This plan seems to be a necessity at present in many of the counties of the State, but great pains should be taken to secure good care, especially in the case of aged persons, invalids and children. In some states the inhuman plan has prevailed of bidding off the paupers to the lowest bidder every year. This makes the county *particeps criminis* in the neglect and even abuse which are likely to occur. Paupers should not be boarded with families where they cannot have sufficient good food nor with families where cleanliness and warmth cannot be assured.

The best plan for boarding paupers in families is perhaps that practiced in Anoka and Scott counties, where the commissioners contract with a responsible woman at the county seat to board in her own house all paupers sent to her, at a fair weekly price, subject to suitable conditions as to diet, cleanliness, care, etc. The commissioners can easily inspect, at frequent intervals, guarding against abuses. In sparsely settled counties this plan will be found much more economical than a

poor house. In the more populous counties a poor house is a necessity, to secure suitable house room. In poor houses the overseer should be paid a salary and not a weekly sum for the board of each pauper.

### 5. Pauperism in Wisconsin

#### A<sup>1</sup>

The history of poor relief in some counties shows that the county system can be abused by individual supervisors lavishing poor relief upon their own towns or wards at the expense of the county treasury. The same difficulty occurs under the town system where individual aldermen of the city furnish poor relief to their own wards at the general expense of the city. The evil is not obviated by appointing a nominal superintendent of the poor, who is compelled to give relief to such persons as the individual supervisors or aldermen direct. In Philadelphia and Brooklyn the abuses of out-door relief have led to its entire abolition with marked success. It may become a necessity in our larger cities to follow their example.

#### B<sup>2</sup>

Wisconsin has three systems of poor relief—town, county and mixed. Under the town system of poor relief each town, village or city relieves its own poor through its own officers, and the poor who have no pauper settlement in the town are cared for at the expense of the county. By the laws of pauper settlement a person who has lived one year in a town without receiving poor relief acquires a pauper settlement for himself and his legal family, and must be relieved by the town, village or city in which he had that pauper settlement in case he needs assistance. Poor relief is usually administered by the supervisors of the town, village board or aldermen of a city. In many cities a superintendent of the poor is appointed by the common council who gives relief under the direction of that body.

The county system of poor relief may be adopted in any county by a resolution of the county board. A county board being composed of the several town chairmen, supervisors of each village and wards of cities each precinct affected by the change has a voice in the matter.

<sup>1</sup> Extract from *Fourth Biennial Report of the State Board of Charities and Reform of the State of Wisconsin for the Two Fiscal Years Ending September 30, 1890*, p. 14.

<sup>2</sup> Extract from *First Biennial Report of the State Board of Control of Wisconsin Reformatory, Charitable and Penal Institutions, for the Two Fiscal Years Ending September 30, 1892*, pp. 372-73.

In case of this change the distinction between town and county poor is abolished and all poor are looked after by the county. Residence in the county one year without poor relief secures a pauper settlement. Under this arrangement poor relief is usually administered by superintendents of the poor elected by the county board. These superintendents cannot be members of the county board, except in one county which has a special law for that purpose, but they must act under the direction of the board. Much confusion is caused in many counties by the practice of giving poor relief and not reporting to the superintendents till the end of the year, making it almost impossible to get satisfactory reports of the work done. It would be much the better plan for supervisors to give poor relief in no case except when authorized to do so by the superintendents of the poor. It is not an easy matter for a supervisor to refuse assistance when applied for by one of his own neighbors, and this is where the abuse creeps in.

In the mixed system the poorhouse is under the management of the county and all of the county paupers are sent to it. Towns may send their paupers to the poorhouse at an agreed rate per week, which is generally from \$1.50 to \$2.00. The difference between the county and mixed system is in the management of the poorhouse. In the former the superintendents act as trustees and elect the overseer of the poorhouse, while in the mixed system the overseer is usually called superintendent and is elected by the county board.

## 6. A Plea for the Abolition of the County Jail<sup>1</sup>

Of all the reforms included under the general title of prison reform in the United States, none is so urgent as the overthrow of our existing system of dealing with misdemeanants. We have made substantial progress in the reconstruction of our penitentiary system. But are you aware that in each year the number of commitments to prison for terms not exceeding one year is four times as great as that for any longer period? In other words, even though all our prisons, great and small, were reformatory in their aim and influence, the major prisons would reach and touch only one-fourth of the criminal and quasi-criminal population in custody of the law. Three-fourths of those in custody are in fact held in institutions, the practical effect of which is to train an unascertained percentage of their inmates for the penitentiary.

<sup>1</sup> By Frederick Howard Wines, *Proceedings of the National Conference of Charities and Correction at the Thirty-eighth Annual Session* (Boston, 1911), pp. 52-56.

When, a few months since, that distinguished group of foreign criminologists and experts in prison administration in attendance upon the sessions of the international prison congress in Washington accepted the hospitality of the government, and made a hurried tour of inspection of some of our leading and typical penal institutions, they were good enough to express their admiration of our reformatories, both for children and adults, but they could with difficulty find language at once sufficiently severe and decently diplomatic, with which to voice the amazement and horror awakened in them by a casual glance at the municipal and county prisons of this great republic. And when they spoke to us about it, they seemed to think they were telling us what we did not know.

On the contrary, there is not an habitual visitor to our county jails, official or philanthropic, who is not alive to the evil conditions that prevail in most of them. In any library that makes a specialty of collecting public documents, I could show you scores or hundreds of reports in which attention is called not only to the generally unsatisfactory state of these minor prisons, but to the peculiarly repulsive and dangerous conditions existing in some of them. Certainly, all are not equally bad. It is no part of my purpose to indulge in exaggeration for the sake of exciting a momentary sensation, or to represent as typical what is really exceptional. But the best jail that was ever built, although the physical treatment accorded to its unfortunate inmates may be perfectly humane and just, fails to subserve any of the ends of a prison except that of confinement. There is in it no organized, intelligent, thorough effort to reclaim the men and women committed to it. Such effort as may be made, in certain prisons, is apt to be sporadic, spasmodic, and it is ordinarily neutralized by the contamination of unrestricted communication and mutual intercourse between prisoners.

The number of what may be called good jails is relatively small. Most of them are unsanitary, owing to their location or to their architectural construction. Many of them are overcrowded, almost to suffocation. They are often horribly filthy. They are centers of tuberculous and syphilitic contagion.

Where one finds filth, one is apt to find disease and immorality. The moral atmosphere of the average county prison is even more foul than the physical odors that often assail the nostrils of the visitor with nauseating effect. The associations, the language, the practices in vogue are vile beyond description. The inmates are corrupted by compulsory association in enforced idleness. The worst of these prisons are

cesspools of moral contagion, propagating houses of criminality, factories of crime, feeders for the penitentiary, public nuisances, the disgrace of modern civilization.

And yet all the effort put forth to change these conditions for the better has thus far proved almost wholly unavailing.

Why this indifference, this inertia, this immobility? Doubtless it is partly attributable to ignorance. The county officials do not know what a jail should be, and the people do not know what their jails really are. The evil effects are scattered over an immense territory, and they are subdivided, until the aggregate amount is hidden from sight in an almost endless mass of details. But in plain Anglo-Saxon, the truth is, that wherever there exists local graft and political dishonesty, the county prison is its center and its stronghold. The sheriff or the jailor makes a personal profit from crime by charging a per diem for board for prisoners, and by the receipt of fees for locking and unlocking the jail doors. That profit is a live wire; no local politician, possibly no member of the legislature, or even of the state administration, dares monkey with it.

Instead, therefore, of laying the axe to the root of the tree, would-be reformers resort to compromise measures, and undertake to "improve" the jails, or, as the Illinois Charities Commission phrases it, to "standardize" them. Ladies and gentlemen, there can be and will be no material improvement in these establishments, so long as they continue to be regarded as local institutions and remain subject to local control. Strange, is it not, that the smaller communities should be so anxious, as they often are, to unload the burden of their poor, their sick, their insane, their helpless and forlorn, of all ages, upon the shoulders of the commonwealth, where it does not belong, but fight to retain that of their criminals, which by right the state alone should bear.

This is, in my judgment, the secret of our failure and defeat. We have substantially won the fight for the reformatory prison and the indeterminate sentence, because we concentrated our fire upon a vulnerable point and made every shot tell. We made use of siege guns and loaded them with shell. In attacking the county jail system, we have pursued the opposite policy; we have scattered our fire and placed our reliance upon buckshot. We have addressed our arguments and remonstrances to the county authorities, of whom there are, in round numbers, twenty-five hundred sets, instead of to the legislative bodies, of which there are less than fifty. We have pleaded for new jails, better jails, when we should have insisted upon their replacement by prisons



owned and controlled by the state, thus emancipating them from local political control, with its petty and selfish interests.

There was a time when local control was necessary and proper, but that was long ago. Today the county prison is an anachronism. We imported it, with other British institutions from England, the mother country. But conservative England has outgrown it, and dates the dawn of her regenerated prison system from the year of its abolition. We still lag behind in the march of modern civilization.

There is no good and sufficient reason why the state which enacts a criminal code, with its definitions of crime, its prohibitions, and its penal sanctions, should assume the custody and care of the man committed to prison for three years and refuse to recognize its responsibility for the man sentenced for three months, abandoning him to the haphazard mercies of an inferior jurisdiction, which is certainly ignorant, often brutal, and sometimes dishonest. It is not the majesty of the county, but that of the state, which calls for vindication. The county has no criminal code of its own. The suppression of crime, let it take what form it may, is the business of the state. The state should name, and it should have exclusive authority over, the executive agents to whom it entrusts the discharge of this supreme governmental function.

You are aware that, although the county and municipal constabulary act as guardians of the public peace, the authority vested in them is derived from the state. It is the peace of the state which is threatened. If the local officials are unable to preserve it, the higher power of the state is invoked. The state militia may be ordered out, but the expense of quelling the disturbance is charged to the city or county. And, in some states, a sheriff who has failed to discharge his duty can be summarily removed from office, and the governor is authorized to appoint his successor.

The local officials in charge of a city or county prison sustain a somewhat similar relation to the state. The local prison is an indispensable part of the machinery of justice. For reasons of convenience, the state, which is the fountain-head of justice, makes use of the officers of justice in the minor political divisions of the state, to execute the orders of the court. But they have no original jurisdiction. Their jurisdiction is derivative, and it is revocable at the pleasure of the state. The moment that it becomes apparent to the public, and to their representatives in the legislature, that the exercise of this delegated authority is corrupt, ineffectual, or unsatisfactory, the legislature has power to replace that system by a better. Some of the states now exercise a quali-

fied visitorial power over the county prisons, but the boards in which this power is lodged have not the right to issue and enforce orders which the county authorities must carry out. What is needed is mandatory power vested in a single officer or commission and applicable to all counties and municipalities alike.

The only hope of enlightened progress in dealing with the problem of crime in America is the overthrow of the county jail system. To this end we must direct our energies. With the state once in command, there can be no question but it will find a way to right the wrong and remedy the evils which inhere in the present organization and management of minor prisons. The state has a wider outlook, and a deeper sense of responsibility; it is less directly influenced by purely local considerations, and it possesses the power which the county lacks.

The Washington international prison congress awakened much dormant interest in all phases of the prison question throughout the world, but especially in the United States. We succeeded in the attempt to modify the mental attitude of Europe toward our reformatory system, in its application to felons. Five years from now, we shall meet our European friends in London to renew this great debate. Meanwhile, they point to us with polite scorn, and tell us that, until we change our method of treatment of misdemeanants, we have no right to arrogate to ourselves the position of leaders in the great work of prison reform. The best answer to this taunt is to give heed to it, with ready recognition of the friendly intent of their warning and admonition. "Let the righteous reprove me; it shall be an excellent oil, that will not break my head." We thank them for it, and trust that it may do us good. Is not this the opportune moment for effecting a complete change of base, for the adoption of a new plan of campaign, and for the inauguration of an evolutionary, or, if you please, revolutionary program?

The relative importance of this burning question rests not alone upon the numerical preponderance of misdemeanants in our prisons, but upon the more favorable prospect of a reduction in the volume of crime, through the wise and skillful application to them of a reformatory prison discipline, than is to be anticipated from the attempt to reform more hardened and daring culprits. Let me give you a modern, sociological version of that hackneyed quotation from Juvenal, *Maxima debetur puero reverentia*, "In prison discipline, the misdemeanant, not the felon, should be our first and chief concern."

Mine is a poor, weak voice; it will not carry very far. This right

arm is not the arm of a giant, nor even of an athlete; it will not deliver a smashing blow. For the sake of the human derelicts languishing in merited or unmerited confinement, I could wish that both were stronger. Still more earnestly do I wish it for the sake of our common country and its honor. An old man suffers in many ways that a young man hardly understands. One of my secret griefs is the shame I feel, that my country has so long tolerated, and continues to tolerate, a wrong which disgraces it in the eyes of the world, and which, unless it is redressed, must sooner or later bring down upon it the vengeance of Almighty God.

## 7. Indiana Jail Rules

### A. JAIL RULES FOR SMALL JAILS<sup>1</sup>

1. Every person shall bathe when admitted, and weekly thereafter.
2. Marking, defacing or littering the cells, walls or corridors, or injuring or destroying the jail property is prohibited.
3. Spitting on floors, walls or iron work is prohibited.
4. Prisoners shall make their own beds, keep clean their cells, and perform such duties in taking care of the jail and keeping it clean and in order as may be assigned to them.
5. Meals shall be served the prisoners at suitable and regular hours, three times a day.
6. The sheriff shall inspect the jail at least once every day, and shall see that it is kept clean and sanitary.
7. There shall be complete sex separation. Prisoners shall be classified and separated so far as the jail will admit.
8. No tramps or other persons shall be received without due form of law.

### B. JAIL RULES FOR LARGER JAILS<sup>2</sup>

1. Every prisoner, when received, shall be required to bathe and cleanse his person thoroughly and shall be given clean clothes. Thereafter he shall bathe once a week, unless otherwise ordered by the jail physician, and it shall be the duty of the jailer to see that water is at the proper temperature and that soap and towels are furnished for bathing. The prisoner's old clothing, if good, shall be disinfected, cleaned and put away, to be returned to him when released. Otherwise it shall be destroyed.

<sup>1</sup> Extract from *Indiana Bulletin of Charities and Correction*, No. 93 (June, 1913), pp. 177-78.

<sup>2</sup> *Ibid.*

2. There shall be thorough sex separation. Prisoners who are young, who are self-respecting and witnesses shall be separated from hardened criminals and low characters. All women prisoners and boys shall be under the care of the matron, who alone shall have the keys to their cells.

3. No tramps or other persons shall be received unless under due form of law.

4. Under no circumstances, except for purposes of cleaning it, shall inmates be permitted in the jailer's corridor.

5. Prisoners are forbidden marking or defacing the walls or other parts of the jail, or spitting tobacco upon the walls of the jail or in any way defacing, injuring or destroying property therein.

6. Each inmate shall keep his own cell clean and in order. The jail shall be cleansed thoroughly daily and scrubbed at least twice a week.

7. Prisoners are forbidden using loud, boisterous or indecent language.

8. For the violation of any of the foregoing rules, the sheriff shall, for the first offense, restrict the diet of the offender to bread and water for full twenty-four hours; for the second offense, bread shall be withheld for a like period and in case of persistent violation of rules and breaking of fixtures or furnitures, meddling with the gas or lights, threatening an officer or tampering with locks or bars, it shall be the duty of the sheriff to remove such offender from his cell to an unfurnished cell or a dark cell, as he may deem proper, and keep such prisoner, without bed, or food until such time as he may have reason to believe that the privileges may be safely restored.

9. The jailer shall, to ascertain existing conditions and attend to everything that is necessary, visit at least three times a day all parts of the jail where men are confined and the matron shall make similar inspection of the departments for women and children. The sheriff shall inspect the jail at least daily.

10. Meals shall be served the prisoners at suitable and regular hours, three times a day.

#### C. STATE CONTROL OF JAIL RULES<sup>1</sup>

The jail rules mentioned were drawn up in conformity to Chapter 164 of the *Acts of 1909*. They are simple and can be easily enforced. When made an order of court, as the law contemplates, a violation be-

<sup>1</sup> Extract from *Indiana Bulletin of Charities and Correction*, No. 93 (June, 1913), pp. 174-75.

comes a contempt of court and can be punished as such. The points covered include the general government and control of the prisoners, their classification and separation, proper sanitary regulations and daily inspection of the jail by the sheriff. Two sets of rules have been prepared, the longer set being intended for the larger jails. County officials are asked to note particularly two provisions of the law: (1) The Board of county commissioners is required to inspect the jail at least once every three months; (2) it is made the duty of the sheriff to furnish the circuit judge, at the beginning of each term of court, a list of all persons confined in the jail, showing by whom committed, his offense and the date and term of commitment; also, to report to the county commissioners, in writing, at least once a quarter, the condition and needs of the jail. In visiting jails, the Board of State Charities occasionally learns of women committed to jail contrary to Chapter 135 of the *Acts of 1907*, and of children kept there, though this is made illegal by Section 7, Chapter 237, of the *Acts of 1903*.

### 8. Classification of the Judicial and County Service<sup>1</sup>

The Committee planned originally to carry the standardization studies through the judicial and county service of the State during the current year, and, to this end, send out cards to all the counties and courts in February. Owing to the enforced reduction of its staff, however, only a most cursory study has been possible. The cards have been received from some of the counties and some of the courts, but others, after repeated requests, have failed to fill them in and return to this Committee. The work, therefore, has been largely confined to office studies of such of the counties as have been classified, eighteen in number, and such data as are published by the State Civil Service Commission.

It is far from the purpose of this Committee to suggest that politics as a factor in government, be eliminated. After this cursory study of the organization of the counties, there are, however, some defects and injustices which are so patent that this Committee would feel remiss in not making mention of them in this *Report*.

#### COUNTY ORGANIZATION

In the first place, the organization of the county, as a political subdivision, is unique. Excepting in isolated instances, county government

<sup>1</sup> Extract from *Second Report of the Committee on Civil Service of the Senate of the State of New York Appointed to Investigate the Civil Service of the State* ("Senate Document 29," Legislature, 1917), pp. 50-64.

is independent of State control. Wherever there is supervision by a State department it is likely to be superficial. The Board of Supervisors, which is essentially the controlling agency in the administration of county affairs, has jurisdiction over matters of purely local interest, in which the application of purely business principles should suffice for the complete and satisfactory solution of all detail. It would seem that this would induce extensive application of the merit system, but for some reason, the county unit has been overlooked to a considerable extent in civil service administration. To be sure, the State has classified the service of eighteen counties embracing the preponderance of the population of the State, and contemplates the classification of others; but the entire absence of any standards whatever is more apparent in the county service than in either the State or municipal service. A careful analysis of the tabulation made a part of this *Report*, which shows wide variations in salaries for identically the same sort of service in various localities, indicates the necessity for a program of standardization in the service of the counties which have already been classified. If such irregularities are found in these counties, there is no reason to suppose that conditions are different in the counties whose service has not been classified and the Committee recommends that an adequate appropriation be made to the Civil Service Commission for carrying this work throughout the counties of the State. . . .

#### MULTIPLICITY OF TITLES: INEQUALITIES OF COMPENSATION

A list of the titles employed in the services enumerated above, has been prepared, and classified as nearly as may be without the work cards, into the Groups established in the *First Report* to the Legislature. With them are given the number of the positions under each and all of the salary rates attached thereto.

#### CLERICAL SERVICE

As the Clerical Service represents the great mass of employees--both of the Courts and Counties--the discussion of the inequalities in this service will suffice to cover, generally, the entire situation. In the county positions enumerated, are included the positions of clerical nature in the county courts, the lists prepared for the State Courts containing only the positions therein.

In order to enumerate specifically some of the inequalities, it is desirable to bring attention to the following titles, and the wide range of salaries:

Bookkeeper, \$600 per annum to \$2,000 per annum, ten rates  
 Cashier, \$1,080 per annum to \$3,000 per annum, ten rates  
 Clerk, \$300 per annum to \$4,000 per annum, thirty-nine rates  
 Assistant clerk, \$540 per annum to \$3,000 per annum, seven rates  
 Chief clerk, \$1,500 per annum to \$10,000 per annum, eleven rates  
 Comparing clerk, \$720 per annum to \$2,000 per annum, five rates  
 Clerk of court, \$1,200 per annum to \$9,000 per annum, twenty rates  
 Deputy clerk of court, \$800 per annum to \$5,000 per annum, five rates  
 General clerk, \$520 per annum to \$2,400 per annum, fourteen rates  
 Index clerk, \$780 per annum to \$2,300 per annum, thirteen rates  
 Probate clerk, \$1,500 per annum to \$5,000 per annum, four rates  
 Record clerk, \$950 per annum to \$3,000 per annum, six rates  
 Transfer tax clerk, \$720 per annum to \$2,400 per annum, seven rates  
 Interpreter, \$800 per annum to \$3,000 per annum, ten rates  
 Messenger, \$300 per annum to \$1,800 per annum, fourteen rates  
 Stenographer, \$300 per annum to \$2,750 per annum, twenty-one rates

In the Clerical Service in the counties, there are 261 different titles. Owing to the fact that much of the service is not covered at all in the *First Report*, there is need for a large number of new titles with specifications drawn to cover them, but that it is necessary to have 261 of them is entirely out of the question.

It is to be expected that salaries in the counties embraced within the greater city will be higher. Without studying the work cards, it will be manifestly impossible to say that the work done by any individual under any title is not worth the salary paid therefor, but under any definitions of work it is impossible to reconcile the title of "Chief Clerk" with a salary of \$10,000, "Clerk of Court" with a salary of \$9,000, "Assistant Clerk" with a salary of \$3,000, or "Deputy Clerk of Court" with a salary of \$5,000.

It is noteworthy also that all of the positions thus enumerated are in the "Exempt Class."

#### IRREGULARITIES IN SALARIES OF ELECTIVE OFFICERS

The incongruities of salary are by no means confined to the Classified Service. As a general business proposition it is interesting to observe the facts as presented. A few cases will be cited:

Commissioner of jurors . . . . .	\$1,500 to \$ 6,000 per annum
County clerk . . . . .	2,000 to 15,000 per annum
Department county clerk . . . . .	1,200 to 6,000 per annum
District attorney . . . . .	1,200 to 15,000 per annum
Treasurer . . . . .	1,500 to 10,000 per annum
Sheriff . . . . .	2,000 to 15,000 per annum

A more specific study of the salaries of county clerks and sheriffs reveals the fact that population had little, if any, bearing on the salary paid as in the case of the former, the County Clerk of Erie County with a population of 572,000 is \$5,000 per annum, while the County Clerks of Oneida County with 167,000, and Westchester with 322,000, receive \$10,000, and the County Clerk of Queens with a population of 397,000 receives \$8,000.

In case of the sheriffs, Kings County with 1,798,000 gives \$15,000, New York with 2,138,000, gives \$12,000, Bronx with 615,600 gives \$10,000, and Westchester with 322,000 gives \$10,000. Erie with 572,000 gives its sheriff \$5,000 and Richmond with less than 100,000 gives \$6,000; all of which goes to show that little heed has ever been given to the question of making the salary approximate a certain fixed relation to the responsibilities of the office.

It is unreasonable to expect results other than those shown in subordinate positions in offices, the heads of which are paid on such a haphazard plan.

Were it possible to adopt a reasonable basis of compensation, graduated according to population and duties, the possibilities of economies in taxation are almost limitless.

#### FURTHER COMPARISON OF COUNTY SERVICE

On the hypothesis that there should be some uniformity in the cost per unit of population, for the various services rendered, a table has been prepared showing the number of persons employed, and the amounts paid annually for personal service in the various county offices in each of the eighteen counties whose service has been classified. The unit of population chosen is 100,000.

It is expected that differences will be manifest at once between those counties whose population is largely agricultural and those which are largely or entirely urban, but they should be consistent. The tables, however, show the same lack of uniformity in methods of employment as must be anticipated after the analysis of the unclassified offices, excepting in the offices of the District Attorney, where the number of employees and cost will naturally be expected to be higher on account of the larger proportion of criminals in the counties of urban population.



### 9. Attempts at Securing Records and Reports from Local Authorities<sup>1</sup>

It is necessary for each poor asylum superintendent to keep certain records for the information of state and local officials, as well as for himself and his successor in office. He should keep these in permanent form, in well-bound books especially designed for the purpose. Before adopting any financial record books, the superintendent should confer with the State Board of Accounts, Indianapolis. The following will be needed:

1. *A record of inmates.*—This will give the name of every person admitted to the asylum, certain facts of personal and family history, and the date of his admission, discharge or death. Such a record should include all the facts required for the superintendent's reports to the Board of State Charities and to the board of county commissioners. The reports to the State Board of Charities are due February 28, May 31, August 31, and November 30. The board will furnish blanks and envelopes on request. The State Board of Accounts has prescribed Form 102 for the report to the board of county commissioners.

2. *A record of receipts and expenditures on account of the asylum and farm* (see State Board of Accounts Form 69).

3. *A record of the property of the asylum and farm.*—This should be kept in such form as to enable the superintendent to furnish an inventory from time to time, as required.

4. *A record of farm products.*—This should be carefully itemized so as to show the amount raised and how it is disposed of, i.e., whether used in the asylum or sold.

5. *A record of burials.*—The asylum cemetery should be plotted and the burial record should contain such information as will make it possible to locate each body.

#### BURIALS

If for no other reason than its effect on the surviving inmates, a simple burial service should be held. It is possible to purchase a coffin at little expense and this should be done. A suitable marker should be placed at each grave.

#### RULES

We frequently are asked to suggest rules for the administration of poor asylums. We realize that the same rules cannot be applied to all; that each one has certain peculiarities and conditions that prevent the

<sup>1</sup> Extract from *Indiana Bulletin of Charities and Correction*, No. 112 (March, 1918), pp. 15-16.

enforcement of some rules and suggest others in their stead. For an average poor asylum we usually suggest about the following list of rules. The commissioners and superintendents can go through them and select such as they think will be applicable to their respective institutions.

1. The poor asylum and inmates are under the control of the superintendent. No inmate shall leave the premises without permission from the superintendent.

2. Inmates shall rise at once when the signal sounds and promptly respond to the call to meals.

3. After breakfast each inmate will go to work as directed by the superintendent or his assistants.

4. No lights will be allowed after 8 o'clock P.M., except in rooms where there are sick persons.

5. Quarreling and use of profane or obscene language is expressly forbidden.

6. No spitting or filth of any kind will be allowed on the floors or to be thrown out of the windows. Spittoons must be cleansed every day.

7. Every inmate will have to bathe when admitted, and once a week, or oftener, thereafter, if required by the superintendent.

8. Smoking in the sleeping apartments, or in other rooms except in sitting rooms, is prohibited.

9. Inmates in good health will not be allowed to occupy sleeping apartments during the day. The rooms will be closed when the inmates leave them in the morning and remain closed until bedtime.

10. Each persons will be held responsible for the care of his room, seeing to it that it is kept in good order.

11. It is the duty of the superintendent to enforce these rules strictly and impartially. Inmates refusing to comply therewith are liable to be punished as the superintendent may deem necessary. Any inmate showing violence, disobedience or disrespect to the superintendent or his family, or to any assitant, shall be liable to be imprisoned or discharged.

#### 10. Proposed Department of County Public Welfare<sup>1</sup>

As has been indicated at various places in the foregoing discussion, the evidence presented to the Committee indicates that nothing is more

<sup>1</sup> Extract from *Report of the Special Joint Committee on Taxation and Retrenchment* ("Document No. 55," New York State Legislature, 1923), pp. 99-100.

necessary in the administration of poor relief, child welfare, health and hospitals than a bringing together of the scattered duties that have been devolved upon the counties and the towns from time to time. The present system of separation in the administration of these inherently related functions is wasteful. It is, therefore, the suggestion of the Committee that all of these functions should be brought together and carried on or supervised by a single responsible official. There seems to be no other method by which various welfare activities of the counties and the towns can be correlated with each other or with the work that is being done by private welfare agencies operating in the same fields.

#### ORGANIZATION AND WORK OF PROPOSED DEPARTMENT

The proposed county department of public welfare would be under the direction of a full-time commissioner appointed by the executive authority of the county government. He would be in charge of—

1. *Bureau of health* under the supervision of a full-time health director. This bureau should bring together under a single head the following activities:

- a) *Local health control*.—Local town and village boards into as many health districts as expedient according to area, population and sanitary needs of the county. Each health district should be placed in charge of a full-time district health officer responsible to the county health director.
- b) *Tuberculosis sanatoria*.—These should be included under the general supervision of the county health director. Local boards of managers of county tuberculosis hospitals should be abolished and the superintendent thereof made directly responsible to the county health director.
- c) *County health nursing*.—All county health nurses should be responsible to the county health director under one or more nursing supervisors depending upon the number of nurses employed.
- d) *County health laboratories*.—Where these are established, they should be under the direction of the county health director, and the bacteriologist in charge should be responsible to such county health director.
- e) *Vital statistics*.—The collecting and reporting of vital statistics should be made a responsibility of local district health officers, each of whom should be registrar of his district. The county director of health should be also county registrar.

2. *Bureau of social service*.—This bureau should bring together under single direction all social service work of the county, including:

- a) *Poor relief*.—The office of county superintendent of the poor should be abolished and his powers and duties, including the administration of county almshouses and hospitals other than tuberculosis hospitals, should

be transferred to the commissioner of public welfare. Local overseers of the poor should be abolished and their powers and duties transferred to local town supervisors as is done in Jefferson county. All relief work should, however, be done at the expense of the county and under the direction of the commissioner of public welfare who should act as the head of the bureau of social service.

- b) *Boards of child welfare.*—Independent boards of child welfare should be abolished. Child welfare work including mothers' pension allowance and other activities having to do with children should be centered in the bureau of social service. There should be a full-time trained social worker in charge of this activity with such staff as may be necessary.

#### ADVISORY WELFARE BOARD

As an aid to the county department of public welfare, provision should be made for the appointment by the commissioner of public welfare of an advisory committee of representative citizens of the county whom he may call upon as required to aid him in developing his program. Such a committee or board would conserve under the plan proposed the admirable features of the present child welfare and hospital boards without continuing their weaknesses.

#### MODIFICATIONS TO MEET NEEDS

The plan of organization as here outlined can be made to fit even the smaller counties. Where the consolidated welfare work of the county does not warrant the employment of a commissioner, a deputy in charge of health and a deputy in charge of social service, the commissioner himself would take charge of one of the bureaus. In the smallest counties there would be no deputy commissioners.

### II. The Cook-County Bureau of Public Welfare<sup>1</sup>

SECTION 1. That this Act shall apply to counties having a population of 500,000 inhabitants or more.

SEC. 2. The term, "Social Service Functions," employed and used in this Act shall be construed to embrace and include all powers, functions and duties of social service investigators and other social service officers and employes of said counties, authorized, conferred or imposed by law, relative and pertaining to:

<sup>1</sup> "An Act to Create, Establish and Maintain in Counties Having a Population of 500,000 Inhabitants or More, a Bureau of Public Welfare, in Aid of the Powers and Duties of Such Counties, and the Powers, Functions and Authority of Courts of Record in Such Counties Relative and Pertaining to Social Service Functions of Said Counties and Said Courts" (July 13, 1925), *Laws of the State of Illinois* (1925), pp. 264-66.

1. Dependent children; meaning and intending to embrace and include only cases of pure dependency, where the action of a court of record is not invoked.

2. Blind adults, as provided in "An Act for the relief of the blind," approved May 11, 1903, in force July 1, 1903, as amended.

3. Feeble minded persons, as provided in "An Act to better provide for the care and detention of feeble minded persons," approved June 24, 1915, in force July 1, 1915, as amended.

4. Deaf and blind children, as provided in "An Act to make provision for deaf and blind children," filed June 28, 1917, in force July 1, 1917, as amended.

5. Paupers, as provided in "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874, as amended.

6. Adoption of children, as provided in "An Act to revise the law in relation to the adoption of children, approved February 27, 1874, in force July 1, 1874, as amended"; provided, however, that nothing in this Act shall have the effect of repealing "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905.

7. Insane persons, as provided in "An Act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain Acts therein named," approved June 21, 1893, in force July 1, 1893, as amended.

8. Children as defined and as provided in an "Act concerning bastardy," approved April 3, 1872, in force July 1, 1872, as amended.

9. Minors, as provided in "An Act in relation to guardians and wards," approved April 10, 1872, in force July 1, 1872, as amended.

10. Cases involving social, economic and home conditions, non-support, desertion and abandonment, where the aid of the county or the jurisdiction of a court of record is invoked.

11. The furnishing of social service and making provision of aid, food, clothing, medical attention or other relief to all persons in said county applying for or in need thereof.

SEC. 3. The purpose of this Act is to consolidate in a single department, or bureau, of a county all branches of investigations, powers, functions and duties included in the term, "Social Service Functions," enumerated and defined in Section 2 of this Act, that are now or may hereafter be authorized by law.

SEC. 4. There is hereby created and established a county bureau of public welfare in each county having a population of 500,000 inhabitants, or more, which shall be maintained at county expense, con-

sisting of one director, and such number of subordinates, together with such number of clerical and other hire as shall be determined by the board of commissioners each of whom shall be employes of said county and shall be appointed in accordance with the terms and provisions of the law in relation to civil service in such counties.

SEC. 5. The board of commissioners shall make and provide rules and regulations for the conduct, control and management of said county bureau of public welfare, and prescribe their powers, duties and functions, but not inconsistent with the provisions of this Act.

SEC. 6. The records of said county bureau of public welfare shall be kept as provided by the rules and regulations of the board of commissioners, and it shall be the duty of the board of commissioners of each county in which a county bureau of public welfare is created under this Act to furnish suitable rooms and accommodations, equipment and supplies for said bureau and clerical assistance for the keeping of said records. The records so compiled shall be open to the public only upon the written order of the president of the county board or upon the order of any court of record in each particular case, after written application setting forth reasons therefor shall have been filed. All copies of reports made to any court shall be immediately impounded by an order of the court and subject only to inspection upon an order of the court having jurisdiction of the particular case.

SEC. 7. No officer or employe of said bureau receiving compensation under the provisions of this Act shall receive any compensation, gift or gratuity whatever from any person, firm or corporation, for doing or refraining from doing any official act in any way connected with any proceeding pending, or about to be instituted in any court of record. Any such officer or employe receiving compensation under the provisions of this Act from any public funds who shall receive any compensation, gift or gratuity from any person, firm or corporation for doing, or refraining from doing any official act in any way connected with any proceeding then pending, or about to be instituted in any court of record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment.

SEC. 8. This Act shall be and become in force and effect on the first day of the next fiscal year of said counties.

SEC. 9. The invalidity of any portion of this Act shall not affect the validity of any other parties thereof, which can be given effect without such invalid part.

## SECTION III

### INTRODUCTORY NOTE

An examination of the organization and duties of the public-welfare departments in cities reveals a greater diversity in the meaning of the term "public welfare" than in either the state or the county organization.<sup>1</sup> In some instances, as New York City, the public-welfare authority is an agency for dealing with the same questions of poverty, mental distress, dependent children, etc., with which the state authority deals. And in New York City the same kinds of questions as to scope and power have been raised with reference to the organization of the city department as have been raised in the case of the state board.<sup>2</sup> In Chicago, however, the department<sup>3</sup> is something quite different, having to do only with unemployment and research, as public relief and corrections are in Illinois county functions. This difference illustrates the very interesting question as to the effect of differing degrees of organization on some of the problems usually thought of as welfare problems. Unemployment, for example, in the Chicago Welfare Bureau and in cities generally, suggests at once the question of the Poor Law facing the ancient dilemma of the able-bodied destitute; but the remedy proposed is the modern remedy of diagnosis, special service in the form of placement, and careful recording for purposes of community understanding of the problem.

This difference characterizes the treatment of many of the problems with which the documents have dealt. The homeless woman in the city calls for treatment by way of lodging-houses or gives rise to the problem of the prostitute, which involves then not so much relief agencies as the police, the city health department, and the inferior courts.<sup>4</sup> The problems of the immigrant and the migrant take on

<sup>1</sup> See "Public Welfare in the United States," *Annals of the American Academy of Political and Social Science*, CV (Jan., 1923), 144 f.

<sup>2</sup> See Document 2.

<sup>3</sup> See for example, the *Annual Report of Department of Public Welfare, City of Chicago* (1926) in which an admirable study of "500 Lodgers of the City" supplements the account of the Chicago Unemployment Bureau and Municipal Lodging House.

<sup>4</sup> See, for example, the *Report of the Department of Health, City of Chicago, for 1919-21*, p. 166, for statement of co-operation between the city and state and each with the federal government. See also *Sixteenth, Seventeenth and Eighteenth Reports of Municipal Court of Chicago*, p. 87, describing work of the Morals Branch.

new aspects.<sup>1</sup> The immigrant commissions established during the decade 1910-20 in Massachusetts, New York, California, and Illinois were placed in other departments than the Welfare Department; in Massachusetts and Illinois under the Education Department, in New York under the Labor Department, while in California an independent authority was created. The point is that they represent the modern method of treatment recognized largely because the situations to be dealt with arise to a great extent in urban communities, where the large numbers call for specialized professional service.

Indeed, because of various factors of urban organization too obvious to require enumeration, the city department or organization may take on higher standards of work, enjoy more ample resources than is possible for the state and may in general stimulate and lead the entire organization. The student can, therefore, profitably examine not only the welfare agencies in their intricacies and variety but the education, health, and labor organization as well. It is clear that the method of case work, that is, the point of view of social treatment, is essential to the efficient conduct of attendance departments, placement bureaus, and probation staffs. In a comprehensive view of city welfare work, then, documents illustrating the work of these authorities would be included. And as they are often organized after a "case-work" method, records of cases could be assembled. The important point for the student is to distinguish those activities analogous in purpose to the welfare authority and to formulate the principles which should guide in the establishment and conduct of such authorities.

In the following section a very small number of documents are presented, selected apparently to a disproportionate extent from New York City. They may serve, however, to illustrate certain points that have special interest with reference to the relation between the state and local authority rather than between the welfare and the other authorities to which reference has been made. They also bring out the interdependence of the welfare organization and the civil service.

In the first document the history of the department from the date of its establishment to 1902 is reviewed. In the second, the proper division of functions in a city as suggested by a member of the State Board in 1881 is set out. In 1887 the State Board<sup>2</sup> received a report on the City Department after a special study by Mrs. Lowell and also from the State Charities Aid Association.<sup>3</sup>

<sup>1</sup> See Edith Abbott, *Immigration: Select Documents and Case Records* (University of Chicago Press, 1924), Part II, Sec. IV; Part III, Sec. II.

<sup>2</sup> Document 3, A.

<sup>3</sup> Document 3 B.



In 1914, when a clear issue was drawn between the State Board and the City Department as to the adequacy of the Board's supervision of subsidized institutions for children,<sup>1</sup> the City Department was allowed by the City Civil Service Commission to treat certain positions ordinarily under the civil service as exempt positions, and the State Commission therefore investigated the City Commission.<sup>2</sup>

One effect of the controversy was an undertaking on the part of the City Department to reorganize its staff, requiring the addition of a considerable number of qualified persons selected after the best civil-service methods, and to take on the function of child-placing which is recognized as an especially delicate task for which there should be widely accepted standards of work.<sup>3</sup> Document 9 is included rather to show the way in which such standards may be worked out and given wide publicity than for the exact content of the standards.

<sup>1</sup> See Document 5.

<sup>2</sup> See Document 4.

<sup>3</sup> See Document 7.

## THE CENTRAL AUTHORITY AND THE CITY

### 1. The Early History of the New York City Department<sup>1</sup>

By an act passed on April 19th, 1798, five commissioners to be called the commissioners of the almshouse were appointed to have charge of the city's charities, consisting of the almshouse and "Bel Vue Hospital." In 1800 the number of these commissioners was reduced to three, and these were subsequently replaced by a single commissioner. An act passed by the legislature in 1849 abolished the office of commissioner of the almshouse, and established a board of ten governors of the almshouse, elected by the electors of the city. The number of these governors was changed from time to time. By a law passed on April 17th, 1860, the department of public charities and correction was created to take over the functions of the governors of the almshouse. On January 1st, 1896, the correctional institutions, including the penitentiary, the workhouse, the city prison (familiarily known as the Tombs), and the five district prisons, were separated from the charitable institutions, and placed in the new department of correction. On February 28th, 1896, the New York City Asylums for the Insane, with 6,800 inmates, were transferred from the department of charities to the control of the board of managers of the Manhattan State Hospital.

The public charities of the City of Brooklyn were under the management of officers of Kings County. Before 1838 the charitable institutions of the county were administered by overseers of the poor and justices of the peace. Acts passed by the legislature in 1838 and 1847 authorized the election of county superintendents of the poor. An act passed in 1858 divided Kings County into five districts, a superintendent of the poor to be elected in each district.

The superintendents of the poor were succeeded in 1870 by the three commissioners of charities of Kings County, who were elected as provided in the law creating the new department. The election of commissioners continued until 1880, when a law was passed to provide for the appointment of three "commissioners of charities and

<sup>1</sup>Extract from *Department of Public Charities of the City of New York, Statement of Facts* (published by the City Club of New York, May, 1903), pp. 6-7

correction of Kings County," two to be appointed by the president pro-tem. of the board of county supervisors and one by the supervisor at large of Kings County. Subsequently, and until the creation of the Greater New York, the appointment of commissioners was made solely by the supervisor at large.

Under the original charter of Greater New York, which went into effect January 1st, 1898, all the public hospitals of the city excepting those for cases of contagious diseases, were under the control of the department of public charities, the head of which was the board of public charities, consisting of three commissioners. One commissioner had "administrative jurisdiction" in Manhattan and the Bronx; one, in Brooklyn and Queens; and the third, in Richmond.

The revised charter, which went into effect on January 1st, 1902, provided for the reconstruction of this department. The three commissioners were superseded by a single commissioner having jurisdiction throughout the entire city. The amended charter provided, however, that after February 1st, 1902, Bellevue, Gouverneur, Fordham, and Harlem hospitals and the Emergency Hospital at 223 East 26th Street, should cease to be under the control of the department of public charities, and should be taken over under the management of "The Board of Trustees of Bellevue and Allied Hospitals," consisting of seven trustees appointed by the mayor. Of this board the commissioner of public charities is a member *ex-officio*.

## 2. The Proper Division of Functions in a City<sup>1</sup>

In every city there should be three Departments, to be named respectively: The Department for the Care of Children; The Department for the Care of Public Dependents; The Department for the Reduction of Crime.

These Departments should each be governed by a separate Board, the members to be men and women, appointed by the Mayor of the city for life, unless sooner removed for incompetence or for violation or neglect of duty, and required to give their whole time to their office, receiving a sufficient salary to justify this demand.

I. With the Department for the Care of Children would rest the duty of so dealing with the little ones entrusted to it, that they may

<sup>1</sup> Extract from Mrs. C. R. Lowell, "Considerations upon a Better System of Public Charities and Correction for Cities," *Proceedings of the Eighth Annual Conference of Charities and Correction* (Boston, 1881), pp. 175-82.

gradually but surely be cut off from the influences which have brought their parents to a condition of dependence, and be absorbed into the bulk of the population, with no memory even, if it can be avoided, of anything suggestive of pauperism or crime. No child should ever for a moment be allowed to associate with paupers and criminals, and the States of New York and Massachusetts have been wise in forbidding the sending of children to poorhouses and jails for destitution and vagrancy. They should go further, however, and provide that no official who has charge of paupers or criminals should have authority of any sort over a dependent child. The creation of a separate department for their care I believe to be a necessity, but not for the purpose of housing them in public institutions;—this department should have but one institution (apart from schools, to be spoken of further on) under its control,—a central temporary home, into which should be received all children who have any claim upon public support, pending the examination of that claim. From this temporary home, those found to be really destitute should be quickly transferred to suitable private institutions, and until some other disposition could be made of them, the city should pay for their support in such institutions.

In a measure this is the present practice in New York City and in many other cities of New York State, but there is nowhere, so far as I know, a separate department created to have the care of these children, and most unfortunately, in New York City at least, the custom has grown up of requiring that judges shall commit children to private institutions, as a necessary condition of obtaining payment from the city for their support. This undoubtedly is a dangerous proceeding, since the familiarization with a court of law tends to destroy the dread of arrest, which should be fostered as one of the strongest deterrent influences against crime. To bring a child before a judge in a criminal court in order to secure his entrance into an institution of charity is a most unwise measure.

How to care for the children of the very poor, and often depraved, part of the population of cities, is one of the most serious of public questions; and, in discussing it, it is necessary to consider the effect to be produced not only upon the child, but upon its parents and upon the public at large.

The first and instinctive impulse is to collect all children who are subject even to occasional suffering, neglect or evil example, and to surround them with bright and good influences, guarding them from danger and trial through their tender youth. This seems to many to be the

duty of the community both to itself and to the children of misfortune, but is it so in reality? Is the child itself to be saved by thus removing it from its natural surroundings? Such removals often unfit it for the battle of life. Again, shall we relieve the parent of the responsibility which God has imposed upon him? In seeking to save the child by this means, the parent is too often sacrificed and deprived of the strongest incentive he can possibly have to exertion and right living.

The effect upon the tax-payer and upon the hard working poor man, struggling to bring up his children to be honest, industrious, and healthy, must not be ignored. The tax-payer should not be required to give what he needs for his own family to support the family of his dissolute neighbor, unless that family threatens to be a public injury; nor should the honest laborer see the children of the drunkard enjoying advantages which his own may not hope for. There can never be any hard and fast lines laid down in regard to this question, for while, on the one hand, children must be protected from cruelty and from evil training, on the other, a constant watch must be kept that parents who are capable of rightly bringing up their children are not tempted to give up that duty because it is a hard one, and it is to be remembered that the poorest home, unless it be a degraded one, is better than the best institution.

In New York the law of 1878 requires that children committed as destitute, unless boarded out in families, shall be sent to institutions controlled by persons of the same religious faith as their parents, and the authorities are obliged to provide for the support of all children committed to institutions under this law. As a consequence, hundreds of children who would never be entrusted to a Protestant institution, or placed in a poorhouse, are yearly committed by magistrates and other officials to Catholic institutions. The temptation is too overpowering,—the parents know that their children will be cared for and instructed by Sisters of Charity or members of other religious orders, and they see no reason why, if such advantages are offered free, they should refuse them; the managers of the institutions, anxious to save the souls of as many children as possible, know that for every one received, a sum sufficient, or more than sufficient for its support, will be paid from the public funds; the magistrates are, some of them, quite ready to augment, so far as they can, the prosperity and numbers of Catholic institutions; and no one except the magistrates, the managers and the parents has any authority in the matter. Thus is brought about the condition of things which we see in New York City and elsewhere in

the State; the growth of sectarian institutions, and a great increase in the number of children who are supported by the public, and yet who are not regarded by their parents as paupers, and who, when once in the institution, may remain there till they reach the age of sixteen years, costing the public usually about \$100 a year each.

Were the training they receive the best imaginable, and one that would fit them to be intelligent American citizens, there might be a question whether this expenditure were not, after all, a wise one, but unfortunately, many of these children are likely to be incapable of earning their own living when they leave these institutions, and the fact that they are carefully guarded from all but the most extreme Catholic influence, during the entire period of childhood,—even from such influences as must affect the children of the most scrupulous Catholic parents if outside the walls of an institution,—makes their present training, and their probable future character a subject of anxious interest to the community.

I think there can be no question that public institutions, and institutions maintained by the public money, should not be sectarian in character, and that all children dependent upon the public funds for support should be required to attend the public schools. There should moreover be a constant pressure brought to bear on parents to contribute towards the support of their children, and as soon as they are able, they should be required to take them back, or if unable or unfit to do this after a given number of years, they should forfeit all claim to them. No child should be held as a public charge for an indefinite time, and the parent have the right to reclaim it at any moment. A parent who will not perform the duties of a parent should not have the rights of a parent. All this field of labor should belong to the Department for the Care of Children, which should periodically examine into the circumstances of all parents whose children are a public charge, decide whether payment should be exacted or not, whether the child should return to its home or be entirely removed from its parents, find permanent places for all children who remain a charge upon the city after three years, and watch over them in their new homes. This department should also be required to draw up rules and by-laws for all institutions receiving children to board at the public expense, and see that they are carried out to the letter.

Besides these duties in regard to children who are fit subjects for public support, the Department for the Care of Children should have the control and management of Industrial Day Schools for the

children of persons who, though able to support them, neglect, or do not know how, to train them to be useful, industrious and honest. These schools should be especially designed to supply the wants of their home training, and attendance should be made compulsory on all vagrant and truant children. By such means, the Department for the Care of Children would be a potent factor in the work of diminishing crime and pauperism.

II. The Department for the Care of Public Dependents should have charge of the public hospital, insane asylum, almshouse and workhouse, the last to receive only persons committed as destitute. There are two means of reducing pauperism: 1st, by preventing accessions to the ranks of paupers from without, which can be accomplished by rendering pauperism unattractive and by the general enlightenment of the people, and 2nd, by restoring individual paupers to manhood and independence. The Department for the Care of Public Dependents can make use of both these methods, by the adoption of judicious discipline within the institutions, and by refusing to give relief outside of institutions. The aim being to *cure* the individual, whether of sickness, insanity, intemperance, or simply of the tendency to be shiftless and lazy, the same system should be enforced in all the various buildings under the charge of the department; strict discipline should be enforced, absolute cleanliness demanded, industry be inculcated, not for the purpose of saving money, but to teach the individual. To train the mental and moral nature should be the first object, and no other should be allowed to take precedence of it.

Thus, in the hospitals, the classification of cases should not be made with regard to the convenience of the physicians, but with a view to preventing contamination. Men and women who have become ill by intemperance should not be encouraged in their evil propensities by the use of beer and whiskey, even though they be ordered as a medicine. The convalescents, especially the young, should be taught and employed so far as possible.

In the insane asylums, teaching, moral instruction and employment would usually be found the most efficacious means for the cure of disease, and thus even here the attempt to raise the individual and mould his character would result in the diminution of the expense of supporting the asylum.

I do not think that we sufficiently recognize the fact that, in public asylums at any rate, insanity in the majority of cases is due to excessive indulgence in one form or other of vice, and that frequently the in-

sane are persons who have so long neglected self-control that they finally lose all power of self-control. I am sure, however, that this is so, and I believe that there is as much room for reformatory treatment in an insane asylum as in any other institution. The fact that a large part of the population of all public institutions are driven to them through their own folly and sin, renders it an imperative duty to seek to elevate these unfortunates so far as possible, and, still more, to prevent their contaminating others less degraded than themselves. Whatever may be the temptations that beset the weak and wicked outside the walls of an institution, not one evil influence should be allowed to approach those who are under the charge of a great city. A wrong that is done by the authority of law is an outrage against humanity, and no wrong is so black as one that hurts the soul.

III. The Department for the Reduction of Crime would have, as its name imports, a wide field of labor,—to my mind it would be the most important of the three departments which I propose,—and I have chosen this name for it, in order that every one, inside of it and outside of it, may fully recognize what is the main end of its creation, and that the care of criminals and the supervision of prisons may be put in their proper subordinate places, as one means only of accomplishing the real work of the department. I would place under the charge of this branch of the city government not only the reformatory institutions in the city (including those for juvenile offenders), but the station-houses and the police force, which latter should be its agents to prevent, as well as to detect crime, to protect the weak who cannot resist temptation unaided, to watch habitual criminals when at large, and to guard those undergoing sentence. This department should also have the entire control of licensing the liquor business, that most potent of the causes of crime.

If it were possible, it would, I am sure, be well that the judges should in some way be connected with this department, and, in any event, the management of the courts should be a part of its business. It seems to me that the harm done by our courts, as at present governed, is not at all recognized. The publicity to which all persons on trial are exposed is in itself a serious evil, especially in the case of children and young women, breaking down and destroying all natural modesty and making them in very deed “brazen faced,” while it also fosters the love of notoriety which is so common in weak natures as to be, I believe, acknowledged as a very strong incentive to crime among a certain class. One form of the harm done by the publicity of



trials was brought to my notice a short time since by a lady who visits the New York penitentiary. A young woman whom she had befriended showed her a letter from a total stranger, who said he had seen her on trial, and if she would come to him when she left the prison, he would take care of her. The girl confessed with tears, that, but for the care afforded by my informant, she should have gone to him. I am sure that, at least the trials of women and children should be conducted in comparative privacy,—only certain persons being allowed to be present. We have passed the time when we need a public trial to ensure justice for the accused.

There is no doubt also that the station-houses are, in many cities, places of contamination and degradation,—there should be special buildings for the temporary imprisonment of women, and women-officers should be employed to guard them; and here, as well as in conveying prisoners to and from the reformatories, they should be protected from contamination by every known means. I speak only of reformatories, for there should be no prison or penitentiary which is not a reformatory, and here I believe that the State of New York can furnish, in the institution at Elmira, an example for other States and cities to follow. The right principle has been adopted and carried out in this reformatory,—the prisoners are sentenced practically for an indeterminate period, and the managers may, at their discretion send them out on probation, or finally discharge them. Here we have the only rational means of dealing with offenders against the law. It is a truism to state that the very same crime may be committed either by a comparatively innocent man, who, it is morally certain, will never transgress again, or by a man who is a standing menace to society; but notwithstanding this fact, the law now requires that the first man shall pay very much the same penalty as the second, whereas were these two men both simply committed to the charge of the Department for the Reduction of Crime, that department, after a short test, would discharge the repentant and humbled citizen, sure that the terror of crime itself would in the future save him from any further offence; while the hardened criminal would be placed under such teaching as would save him, too, from future transgression of the law, even if a discipline of ten or twenty years were required to ensure that end. If the object be, as it should, to protect society, why should not an irresponsible criminal be treated as an irresponsible insane patient is dealt with? the superintendent in charge of each deciding when he may safely be trusted at large. With proper regulations and efficient supervision by the police

to save them from their own weakness, undoubtedly a large number of criminals who are now shut up, in demoralizing idleness and vile companionship, might be safely allowed at liberty; thus saving them from debasing influences, and the State from the necessity of supporting them. But there is a smaller number, who now are periodically turned loose to prey upon their fellows, who are as dangerous as any madman, and who ought to be always kept under control. Thus our folly is apparent in both directions,—we keep masses of men shut up under a system which destroys both soul and body, who are quite capable of being useful and valuable members of society, while we constantly unchain wild beasts, knowing them to be such, waiting for some overt act before we dare to lay our hands upon them again.

Under the rule of the Department for the Reduction of Crime, the number of criminals imprisoned would surely be greatly diminished, and the training of all actually in restraint would be such as to teach them the lessons they failed to learn from the influences of a natural life; while those who could not learn would never be allowed the opportunity to injure themselves and their fellow-men. Our present system of treating prisoners is generally the exact opposite of this.

### 3. Department of Public Charities and Correction of the City of New York

#### A. MRS. LOWELL'S REPORT TO STATE BOARD<sup>1</sup>

As has already been reported to you by the Committee on the Insane, the October grand jury of New York city, on November second of this year, made a presentment referring to the "Female Insane Asylum" on Blackwell's Island.

After making certain recommendations concerning the asylum in question, based upon an examination of the management made by them, the grand jury closed the presentment with the following words: "Finally, that the law be changed placing the poor and insane under a different commission from criminals, and ask that the State Board of Charities (be asked) to look into the matter."

You will remember that your Committee on the Insane, in their report on the Insane Asylum on Ward's Island, made August 12, 1887,

<sup>1</sup> Extract from Commissioner Josephine Shaw Lowell to the State Board of Charities, "Report on the Department of Public Charities and Correction of the City of New York" (December 9, 1887), *Twenty-first Annual Report of the New York State Board of Charities for the Year 1887*, pp. 261-70.

also came to the conclusion that the insane in New York city should not be under the charge of a department containing criminals, and made the following recommendation:

Either the management and government of both the insane asylums, with all their various branches, to be given to a board of trustees composed of men and women appointed by the Mayor, to whom they should report; or, as the alternative preferred, all matters relating to the insane be entrusted to one independent commissioner, to be appointed by and to be responsible to the Mayor; in accordance with which the Department of Charities and Correction would have to be reorganized, and might well be divided into four separate departments, each with an individual head, respectively, for (1) insane asylums; (2) institutions for children; (3) all the hospitals and the almshouse, and, (4) the work-house, the several city prisons and the penitentiary.

In my "Report on the Public Charities of New York City for the Year 1886," I also made a similar recommendation in the following terms:

I believe, as I did years ago, that the real solution of the difficulty that confronts us, is the breaking up of the Department of Public Charities and Correction into three departments, one to have charge of the criminals and able-bodied paupers, one of the sick, insane and helpless, and the third to have the care and supervision of the dependent children of the city.

The State Charities Aid Association, which is composed of some of the most intelligent and public-spirited men and women in New York, and which has for more than fifteen years made a study of the Department of Public Charities and Correction of the city, in the year 1883, made the same recommendation, and by its president, Hon. Charles S. Fairchild, prepared a bill, entitled "An Act to divide the Department of Public Charities and Correction of the city of New York into Four Departments, and to define the powers and duties of the same," which was introduced in the Assembly in March, 1883, Mr. Fairchild supporting it by a statement to the Legislature.

It would thus appear that there is a very strong consensus of opinion on the part of those who have studied the subject, to the effect that the present system under which the paupers, the criminals, and the lunatics and sick poor of New York city are cared for by one department, is highly objectionable and should be done away with.

I would therefore bring the matter again to your attention and ask that you memorialize the Legislature in regard to it, after due consultation with the proper authorities of New York city.

The present Department of Public Charities and Correction is under the charge of three commissioners, whose duties are as follows:

To care for four thousand and two (4,002)<sup>1</sup> prisoners of different grades, in five different prisons in the city, and in the Penitentiary, Branch Penitentiary, Workhouse and Branch Workhouse on Blackwell's, Randall's and Hart's Islands; for three thousand, seven hundred and sixteen (3,716) sick and disabled persons in eight different institutions on Blackwell's, Ward's, Randall's and Hart's Islands and in the Alms-house; for four thousand, three hundred and ninety-two (4,392) insane men and women in four different asylums on Blackwell's, Ward's, Randall's and Hart's Islands; for six hundred and twenty-seven (627) infants, and sick, crippled and idiotic children.

There are one thousand one hundred and eleven (1,111) officers and employes in the department.

Can it, for a moment, be supposed that any three men could properly govern and care for such a mass, twelve thousand seven hundred and thirty-seven (12,737) of incongruous human beings, scattered in twenty-nine different buildings, from East Twenty-sixth street to Hart's Island in the Sound, besides transacting all the business necessary for their maintenance?

As a fact, it has been demonstrated over and over again, that these various classes of sinning and suffering humanity, are not cared for in a way that is good for them, good for the community or creditable to the city of New York.

To take one by one the various classes of persons, for whom the Commissioners of Public Charities and Correction have to provide, it will be easy to show that this is so.

With the prisons, the State Board of Charities has no official connection, but I have lately learned that in only three of the city prisons is there any night matron, and in the other two (where the women prisoners average sixteen and six respectively every night) the women are left entirely to the care of men at night, and there is but one day matron, who divides her time between the two prisons.

The Penitentiary I know but little of, except that no attempt at reformation of the prisoners is made there.

On Randall's Island, a branch penitentiary contains about fifty prisoners who work in different parts of the island, where all the sick and crippled children are also domiciled. Whether the familiar sight

<sup>1</sup> These and the following figures show the census on November 30, 1887.

of prisoners, in striped prison dress, has a good or bad effect on these children, no one stops to inquire.

Of the work-house, I need not report to you further than what I said last July. There is no question that it is a place of moral contamination to every man and woman, to every boy and girl, not already depraved, who goes into it; or that the work-house men and women, who are distributed to the number of 804 over the other institutions of the department as "helpers," are transmitters of moral contagion.

To Randall's Island, where, as I have said, hundreds of children, boys and girls of all ages, are cared for during the year, bold young prostitutes are not infrequently sent to work in the laundry.

The hospitals under the charge of the department are eight, with various annexes. There are four in the city, and one each on Blackwell's, Ward's, Randall's and Hart's Islands. They had on November 30th, two thousand and fifty-eight (2,058) patients and about three hundred and fifty officers and employes. I do not know very much in regard to them. They all have resident physicians and visiting physicians as well, and it is to be presumed that they are reasonably well managed. If not, it seems to me that the responsibility rests with the visiting physicians, who should insist upon deficiencies being supplied, or else make the matter public.

It is not necessary to dwell upon the condition of the insane and lunatic asylums. It was after an investigation into the management of the Ward's Island asylum, and the Blackwell's Island asylum, that your Committee on the Insane, and the grand jury of New York city each recommended that the insane should not remain under the charge of the Department of Public Charities and Correction. . . .

I would recommend a plan for dividing the present Department of Public Charities and Correction somewhat different from any hitherto proposed, either by myself or others.

There are four divisions into which the inmates of the institutions of that department naturally fall—

- 1st. The criminals and able-bodied paupers
- 2nd. The sick and disabled
- 3rd. The insane
- 4th. The children

The criminals and able-bodied paupers I would advise placing under the care of the Board of Police of the city. The present duties of that board are so tremendous that to increase them by the additional care of these prisoners would, in proportion to their total charge, not

be a very important matter, and it would greatly simplify the work of dealing with the prisoners, who have all now to pass through the hands of that department, when arrested and during trial. By placing them directly in their charge during sentence also, unnecessary transfers and division of authority would be avoided. The work-house prisoners are actually criminals, either past or present, with few exceptions, and these few should not be in the work-house at all.

Riker's and Hart's Islands, being comparatively distant from the city, should be placed at the disposal of the police department for the sites of a new penitentiary and work-house, which prisons ought, as soon as possible, to be removed from Blackwell's Island, where they are now most badly placed in the midst of the sick and insane.

All the hospitals, and the alms-house as well, should, in my opinion, be under the care of one department, to whose care should also be entrusted unteachable idiots, all epileptics, and all infants under two years (unless their mothers were criminals); that is, all persons, except the insane, needing medical care by reason of old age, of disease, or of mental or physical disability.

Blackwell's and a part of Randall's Island, together with the hospitals of the city, should be under this department.

The insane should be placed under a separate board or commissioner; and Ward's Island and the farm at Islip be devoted to this class.

There remain only the children of the department to be provided for, and these I recommend placing under a superintendent or commissioner, to whom also should be entrusted the oversight of children boarded in private institutions by the city, and the exclusive right to commit such children to such institutions, and to remove them from them.

These children numbered in June of this year, 5,688. They were in eighteen different institutions, and the city had paid for their board for the six months ending June 30th \$278,862.79.

To enable the managers of the various institutions to obtain this payment for board, each child must be "committed"—that is, must be carried into court before a judge, and by him sent to an institution. Such an experience cannot but be injurious to the moral nature of the child.

Having been committed, the city is required to pay their board, and there is at present no provision made for removing these children from the institutions, even though it should be the policy of the managers to hold them for years, and although the training given them

may unfit them to be useful citizens hereafter. I have already reported to you at length ("Report on the Institutions for the Care of Destitute Children of the City of New York, 1886") upon the evils and dangers connected with this system of caring for these children, and I repeat my recommendation, that the power to commit and remove children to and from private institutions, where their board is paid by the city, should be placed in the hands of a public officer, who should have charge also of part of Randall's Island, to be used as a quarantine and hospital for them.

Concerning the thousands of other children, who are also maintained at public cost by the city of New York, in another class of institutions, under the authority of special acts of the Legislature, whereby the city is required to expend about a million dollars annually for this purpose, the children being admitted and retained at the will of the managers of those institutions, I say nothing, because I do not suppose that, at present, it would be possible to induce these managers, notwithstanding the fact that they are public-spirited men and women, to relinquish the power so unwisely placed in their hands, of drawing at will on the public treasury, and without their consent no change could be made.

I confine my recommendation, therefore, to the class of institutions already referred to, entrance to which is now obtained only by commitment by a magistrate.

## B. THE STATE CHARITIES AID REPORTS ON THE CITY DEPARTMENT<sup>1</sup>

The work of the Department of Public Charities and Correction has become too great for the system.

The number of persons under the charge of this department on March 9, 1883, as given at the office of the Department, was 11,400, of whom 3,206 were insane; 958 were prisoners in the penitentiary, and about 1,600 were work-house cases. The remainder were either in hospitals, ill with all manner of diseases, were idiots, blind, helpless infants or feeble old persons. They were housed in more than thirty different buildings, which are scattered over the city and islands, and are many miles apart. No one can visit and inspect them all, without giving weeks to the task. There are as many insane under the charge of this department as are in the six great State asylums. The average number

<sup>1</sup> From *Twenty-first Annual Report of the New York State Board of Charities for the Year 1887*, pp. 272-74.

of persons always in the work-house and penitentiary bears fair comparison with that of those in the State prisons. The total number which goes through these two institutions every year is much greater than that which goes through the State prisons.

The last published *Report* of this department covers the year 1879. It is impossible to get totals except from that *Report*, and it is not easy to get them from it, because each institution reports after a method of its own, and there are twenty-two such separate reports, bound together to make this *Report* of 1879, and no general summary is given.

But it would seem, from a careful examination of them all, that over 60,000 cases were under the care of one branch or another of that department in 1879. Of these, 17,392 were in the work-house, and 2,954 in the penitentiary.

We do not know and cannot learn the numbers for any year since 1879, and must await the publication of further reports—that for 1880 will soon be published, it is said.

No effort is now made to reform any of all these thousands whom the city imprisons every year, and yet there were in the work-house in 1879, 663 persons under nineteen years of age; in the penitentiary, 508 under twenty, and 455 between twenty and twenty-five. It would seem that here was a field for reformatory work of great promise.

The *Report* says that, of those committed to the penitentiary in that year, 370 had been committed once before, 152 twice, and so on, until three were back for the tenth time or more. The work-house *Report* has no such statistics, so we are left ignorant as to the revolving there.

This Association believes that the charity and correction of the city cannot be well administered without some such classification and separation of the work as is provided for in the bill introduced by Mr. Miller. It believes that a man who will properly conduct the Department for the Insane, should be at the head of an independent department. He will be entitled to the dignity which such a position ought to give, and so for the others. We also believe that the man who does the work which the head of any one of these departments ought to do, in devising and carrying out methods to heal the sick, to punish and reform the criminal, will earn the salary named in the bill, \$6,000. We believe that the civil service sections of the bill are most necessary, to improve the service in this department of the city government. The fact that the changes among the four or five hundred subordinates are annually from forty to fifty per cent is enough to prove this.



Not long since the changes in one institution where there were 124 paid subordinates were 140 in one year. In Bellevue Hospital, in 1881, there were forty-one changes in 104 officers and employes. In the Homoeopathic Hospital the changes in 1881 were thirty-two in a total of thirty-five.

These are the most marked cases for that year, but changes were numerous enough in all the institutions to show that either appointments or removals were too carelessly made.

These appointments and removals should only be made upon the recommendation of the head of each institution, as provided in this bill. This would give such officers a portion, at least, of the authority over subordinates which is necessary for proper discipline.

A word of explanation is needed of the powers to be given to the Commissioner for Dependent Children. He is given sole power to commit to private institutions children who come upon the public simply through poverty and not for violation of law. This, it is believed, would be a gain. First. Because the first contact of an innocent child with government should not be in a criminal court. Second. This officer could give time to investigate each case, to learn if the child ought to be supported by the city. It is believed that many children are so supported now, who ought not to be. Third. He should have power to remove children committed by him. The city has no power now to do anything but to pay a certain sum every year for each child who has once got into a private institution, no matter how unfit the institution may have become, as has been found to be the case in more than one instance lately. The limitation as to age is also believed to be wise both for the child and for the public. This power of removal is not intended to be given to this officer, over children placed in institutions for reformation, nor is the age limitation to be applied to such cases. The managers of institutions can alone determine when the work of reform has gone far enough to make it wise to release the child.

Finally, we ask that the reports of the New York City Commissioners of the State Board of Charities and our own reports be carefully read. In them will be found ample proof that some such measure as is provided in this bill is needed.

4. The State Civil Service Commission Investigates the City  
Commissioner's Lenient Treatment of the City  
Department of Welfare

A<sup>1</sup>

Recently Dr. Edward T. Devine has accepted a temporary appointment in the Department of Charities for the purposes among others, of developing a more definite social service program in connection with the work of the examiners whose numbers have been enlarged, and he testified that he has found excellent material among the old examiners, and that in his grouping of the examiners, his instructing them and his urging for the new, social service program, he is receiving encouraging assistance from a large proportion of these old examiners.

Early in 1914, it appears that the Commissioner of the Department of Charities began to proceed with a program for enlarging his force of examiners. There was an eligible list in existence from which appointments easily could be made upon the transfer of funds to the Charities Department to provide for their salaries. This eligible list contained many persons of good practical experience,—people who had lived in the City of New York for a long time and who were familiar with practical problems of life in crowded parts of the city. Many of these have done volunteer work for years in the charitable societies connected with churches and synagogues. But it was not part of the commissioner's program or desire to accept candidates from that list. He desired to make personal selections and personal appointments and he and his advisers turned to rule 12 for help. Paragraph 6 of that rule provided that:

The Commission may by resolution except from competitive examination any person engaged in *private* business who shall render any professional, scientific, technical or expert service of an occasional and exceptional character to any city officer and the amount of whose compensation in any one year shall not exceed \$750.

It was designed in appointing under this clause, if the local civil service commission would permit it, to have the employments run for six months at the rate of \$1,200, a year (which would be within the \$750 provision), and in the meanwhile to procure another eligible list to follow the old list on its expiration near the end of the year. The

<sup>1</sup> Extract from *Report of an Investigation of the Municipal Civil Service Commission and of the Administration of the Civil Service Law and Rules in the City of New York* ("Senate Document 35," New York State Legislature 1915), pp. 134-37.

first problem was to secure a transfer of funds to pay the salaries. A long and careful statement was made to the comptroller who, in turn, presented it to the board of estimate and apportionment and on that statement \$42,750 was transferred from the food and supplies account (used by hospitals, etc.) of the Department of Charities to pay the salaries. In the comptroller's report it was stated that this proceeding was most unusual and would be subject to criticism unless there was a very good reason for it and that reason was stated to be the claim by the commissioner of charities that if his force of examiners were enlarged so that adequate re-examinations could be made, the additional re-examinations would result in the removal from child caring institutions of so many dependents that the cutting out of the allowances made for the care of those children would result in a *saving to the city* of many times the salaries, and at the same time discourage those who suffered their children to be placed as charges upon the treasury of the city. *There was no word expressed in the report of the commissioner upon which the comptroller's report was based nor in the comptroller's report, expressive of any intention to organize a social service program with the new examiners.* No doubt there were men in the board of estimate and apportionment who understood that that project was included in the proposition, but it is just as certain that there were other men in the board of estimate and apportionment who were *not informed of this relatively expensive program, nor of the new social service scheme that was to be built up, by a transfer of food supply funds.*

The money being appropriated, the next step was to evade the eligible list upon which many worthy people had been long waiting for appointments. When the commissioner of charities addressed the Municipal Civil Service Commission asking that his appointees be excepted, it did except them upon a proposition not mentioned to the board of estimate and apportionment, namely, that it was intended to do a new work of social service—of the rehabilitation of families which would require just the kind of people as examiners who are described in paragraph 6 of rule 12. It appears that the persons whom the commissioner had selected to appoint were already known and designated when the resolution was adopted. That resolution was not put through the Municipal Civil Service Commission without discussion and division of opinion and it seems clear that the resolution was passed without the concurrence of one of the commissioners who held that the proposal was *not lawful*.

The State Civil Service Commission examined a large proportion

of the forty-seven persons who were appointed to these important positions without competitive examination, and who by their temporary service gained practical advantages which helped them materially to get upon the new eligible list which recently was made up to supersede the old eligible list. Conceding that several of the forty-seven were persons of good qualifications and experience, it was perfectly plain that in general these new examiners did *not* meet the requirements of section 6, which was tortured to permit their appointment. The report of the commissioner of charities upon which the financial provision for the forty-seven was made by the board of estimate, contained a careful computation of the number of cases that must be re-investigated, in the time (six months) in which it must be done, of the average number of cases per day that an investigator could handle, with the final straight result that it required just that number of examiners to reinvestigate that number of cases. The computing was so carefully done as to run into decimals. It was conceded by the commissioner and his subordinates that rehabilitation work requires very much more time than investigating and that the average number of cases that can be handled for social service is very much *fewer* than those which can be handled for reinvestigating. *Our investigation showed clearly that if the forty-seven were to be used for the purposes expressed to the board of estimate and apportionment they could not do social service or rehabilitation work, and also that if they were to be used for social service and rehabilitation they could not accomplish the reinvestigation which was urged as the basis for the financial provision.*

The persons who were appointed were relatively young and lacking the experiences of life. Relatively they had more college and special training than the old examiners or eligibles but that was discounted by their lack of experience in the world and in the real problems of life. *Two of the persons appointed were under twenty-one years of age and two of them were not citizens.* Some had to be dropped soon, because they did not qualify in the service. They had come largely from the employment bureau associated with the School of Philanthropy where they registered and paid a fee. One of those dropped had been recommended by President Moskowitz of the municipal commission. He rendered false reports. It might be supposed that to qualify forty-seven appointments upon the ground of "peculiar and exceptional qualifications of a scientific, professional or educational character," that there would have been a careful examination made and recorded of each one of the appointees. The fact as developed in the testimony

given before us, and the admissions of the commissioner and his assistants, was that the *examinations were short and perfunctory, lasting in some cases five minutes and occasionally twenty minutes, that no record was kept of these examinations, that nothing could be shown to indicate what the inquiries and answers were and that in some cases the selection proceeded upon the ground of personal acquaintance and recommendation.*

### B<sup>1</sup>

It was not with any intention of overhauling the general conduct of the Department of Charities that these cases were examined, but entirely for the purpose of observing in action the new force of examiners excepted from competitive examination upon the ground of *peculiar* qualities and qualifications and likely to be permanently grafted upon the city's civil service list through the competitive examination which they were to take, with the advantage of several months' experience in the positions temporarily held and with the specialized training and acquired terminology of charity experts who organized the new movement.

A summation of the whole matter is this: A complete reinvestigation to determine whether there were unworthy cases in the children's hospital and in the child-caring institutions required exactly the old force of investigators, plus the forty-seven who were provided for in the action of the board of estimate on purely *economical grounds*—and *on no program of social service, and who might just as well have been taken from the standing eligible list.* They could have done the social work on the side as they have been doing by the use of kind words and helpful suggestions and by referring cases of need and distress to the A.I.C.P., the dispensaries and other charitable institutions. The ignoring of the eligible list and going to the Municipal Civil Service Commission for an exception under Rule 12 paragraph 6 *was simply a device to beat the list and did not result in securing* "experts" such as are described in the rule. It did not open a real program of social service any different from that which was carried on by the old examiners and which is being followed and enlarged by Doctor Devine with the effective help of the old examiners, for carrying the humane spirit into their work. The augmented force is no greater than necessary to do thorough reinvestigating of dependent cases with humanity and helpfulness on the side.

<sup>1</sup> Extract from *Report of an Investigation of the Municipal Civil Service Commission and of the Administration of the Civil Service Law and Rules in the City of New York* ("Senate Document 35," New York State Legislature 1915), pp. 138-41.

The temporary excepted examiners were not specially humane, and their conduct in many cases shows that *some of them were heartless and were more intent on putting children out of places and thereby saving money for the city, than they were of helping the poor and the distressed.*

To do a real inspirational social work among the poor properly and effectively, would require a much larger force than has been provided for or contemplated, and would impinge on the excellent work of private organizations that are all within reach by an enlargement of the policy of co-ordination between the examiners and the societies that has long existed.

The view of the Board of Estimate is shown in the fact that the salaries for the new social service investigators coming from the new list that has been established have been fixed at \$900 to \$1,050 and \$1,200 (instead of all at \$1,200).

James P. Conway (1419, etc.) who was formerly Assistant Chief Examiner of the Municipal Civil Service Commission, took part in preparing and rating the examination for the former eligible list. He had considerable experience in social service (p. 1550). He made a comparison of the papers of 40 of these candidates, with the statements of 35 of the 47 made to the State Civil Service Commission, as to their experience and qualifications. He said (p. 1425) *that those on the eligible list were in general well qualified by age, experience and fundamental education, and some were exceptionally well qualified.* Out of 40 examined 30 were between 26 and 40 years of age, and only 2 were under 26. As for the new appointees, they had good fundamental schooling, *but lacked in training after leaving school and in business matters, and were particularly lacking in investigation experience.* Of the 35 examined, 10 were *under* 26 years of age, and 19 were under 35. Twelve of these had not been employed since leaving school, or their occupations were meagre. On the whole, the qualifications of those on the old eligible list for practical work, *were superior.* That opinion is *sustained on all the evidence in the case.*

The Commissioner of Charities on August 6, 1914, wrote to the Municipal Commission and said: "The persons whom we desire to enlist in the work are real experts within the meaning of Rule 12, Clause 6. The service which they are to render is distinctly, expert service of an occasional or exceptional character."

On July 25 he had notified that commission that the appointment of the 47 had been made, and referred to July 7 as the date of an agreement for their appointment. On that letter one of the clerks of the

commission endorsed a reference to the *existing eligible list*, and did the same on a similar letter dated August 6, 1914.

John A. Daly, one of the old regular force of examiners testified (p. 4726) that he protested directly to President Moskowitz against the appointment of the 47 as an injury to those who had entered the department in the regular way. He said (p. 4730) there was dissension, antagonism and disorganization of the employees by the reflection upon them (that they were not fitted for the kind of work to be done); that the examiners felt they were not getting a square deal. At a conference of the examiners attended by Commissioner Kingsbury, he declared that the social service idea was nothing new, and that the old examiners had been working on those lines. He said: *That since that time he had not been invited to conferences, and he has been transferred to Staten Island and has the whole of that island to cover alone.*

#### CONCLUSION

In concluding our *Report*, we regret to have to say that the Municipal Civil Service Commission has shown itself in many respects to be weak and inefficient. The integrity of the law lies with the local commission. In some cases the Commission has neglected its duty; in others it has not seen its duty; in others it has concurred in evasions and violations; and it has violated the law itself. The dominating member has been the President, and on him rests the greatest share of the blame. He has demonstrated himself to be temperamentally incompetent and impractical, while the other members failed to grasp opportunities to offset these defects and resultants thereof.

#### 5. The City Department and the State Board<sup>1</sup>

It has been the custom in the past for the Department<sup>2</sup> to receive and accept the reports of the State Board of Charities on these various institutions, without making any inquiry itself as to the kind of care afforded the children for whose support it is paying. During the year, 1914, however, we found that the conditions in some of these institutions bearing the certificate of approval of the State Board of Charities were such as to be little less than a public scandal and disgrace. The

<sup>1</sup> Extract from *Annual Report of the Department of Public Charities of the City of New York for 1914*, p. 15.

<sup>2</sup> [See Document 2 in this section, Lowell, "Considerations upon a Better System of Public Charities and Correction for Cities."]

agents of the Board, presumably without the full knowledge of all the members of that body, had apparently gone through their inspection of these institutions with both eyes closed or with one auspicious and one drooping eye. Naturally when we found on the certified lists of the State Board, institutions in which the beds were alive with vermin, in which the heads of boys and girls were itching with uncleanness, in which antiquated methods of punishment prevailed, and in which the children were disgracefully overworked and underfed, we found it necessary to decline to commit children to those institutions, and to decline to accept as reliable the official reports of the State Board of Charities. It is obvious that it should not be necessary for the City to duplicate in expense and effort the work intended to be performed by an already existing public agency. The conditions which make necessary this wasteful duplication of effort, it seems to us, would warrant a special inquiry into the methods of this branch of the State government by the Governor or by the State Legislature.

#### 6. Volunteer Assistance to the Civil Service Commission<sup>1</sup>

For many examinations, the Commission has secured the voluntary and extremely valuable help of experts. Many conferences have been held in which the best informed and unselfishly interested private citizens have taken part. Such conferences have been held, for example, in preparing for the examination for

*Superintendent of Municipal Lodging House*, attended by:

- Dr. Edward T. Devine, Secretary of the Charity Organization Society
- Mr. William H. Matthews, Director Bureau of Family Welfare, Association for Improving the Condition of the Poor
- Dr. Robert W. Hill, Superintendent State and Alien Poor, State Board of Charities
- Angus P. Thorne, Superintendent, Bureau of Dependent Adults, Department of Public Charities

*Attendance Officer*, attended by:

- Dr. Edward B. Shallow, Associate Superintendent of Schools
- William J. O'Shea, John Davis and Cecil Kidd, District Superintendents
- George H. Chatfield, Director of the Bureau of Compulsory Attendance
- Howard Nudd, representing the Public Education Association

<sup>1</sup> Extract from *Thirty-first Annual Report of Municipal Civil Service Commission of the City of New York, 1914*, pp. 7-8



George A. Hall, representing the Child Labor Committee  
Miss Nellie Schwartz and Mrs. Florence Kelley, representing the  
Consumer's League

*Playground and Gymnasium Attendant*, attended by:

Mr. J. C. Boyers, Executive Secretary of the Recreation Alliance of New  
York City  
Miss Madeline Stevens, Supervisor of Plays for Parks and Playgrounds

and for

*Police Matron*, attended by:

Miss Maud Minor  
Mr. Fred Whittin, of the Committee of Fourteen  
Mrs. Charles L. Israels

## B<sup>1</sup>

### IMPORTANT EXAMINATIONS OF THE YEAR

In this connection, the Commission is glad to record the fact that the request for exemptions have been comparatively few. This has been notably true in the course of the reorganization for the Department of Health, where, although several new and important bureaus were established, the Commissioner of Health in no case suggested exemption.

During the year 1915, the Commission, for the first time in at least nine years, has not found it necessary in a single case to waive the requirement of competition to a competitive position in order to permit the permanent employment of a candidate nominated by a department head. On the contrary, throughout the year, the Commission has succeeded in establishing eligible lists for such important administrative positions as Superintendent of the Municipal Lodging House, Superintendent of the Employment Agency, Director of the Bureau of Food Inspections, Department of Health, Director of the Bureau of Social Investigations, Department of Public Charities, Secretary on Recreation for the Committee on Social Welfare, Assistant Director of the Bureau of Standards and Superintendent of the New York City Children's Hospitals and Schools, Randall's Island.

The results of these examinations have justified the policy of the Commission in assuming the heavy responsibility to which reference has already been made. The examinations themselves have been of

<sup>1</sup> Extract from *Thirty-second Annual Report of the Municipal Civil Service Commission of the City of New York, 1915*, pp. 16-18.

the most advanced, practical type. In some cases, the Commission has again resorted to the non-assembled test which, as explained in the last annual *Report*, was used in the New York City service, for the first time in 1914.

Such an examination was tried in the selection of the superintendent of the New York City Children's Hospitals and Schools, Randall's Island. In this case, the Commission had to meet a peculiarly difficult problem due to the desire and plans of the Commissioner of Public Charities to reorganize the entire management of the Randall's Island Home, so as to bring its conduct up to modern ideas of caring for the feeble minded inmates of such an institution. This field of development in public charitable work is comparatively new, the number of qualified candidates not large and the selection of persons qualified to conduct such a test proportionately difficult.

The commission was finally successful in securing the assistance of Dr. Walter E. Fernald, superintendent of the Massachusetts State Institute for the Feeble Minded of Waverly, Mass., and recognized as a pioneer and leader in the modern ideas in the care of feeble minded children. Through his invaluable and hearty co-operation, the plan of examination was developed so as to meet with the hearty approval of the Commissioner of Public Charities. The examination was thrown open to the entire country. Candidates were required to submit a detailed account of their experience which, under the terms of the advertisement, included the possession of a medical degree and experience in the management of child-caring institutions.

### 7. The City Department and the Subsidized Institution<sup>1</sup>

Undoubtedly the most far-reaching results of the work of this Department during the year 1915 have been in connection with the care of the 23,000 dependent children, of whom necessity has made the City of New York the foster parent. Though not underestimating the importance of those branches of the Department which deal with the care of the adult poor, we have felt that the improvement of the conditions affecting the lives of these 23,000 children represented the problem, which more than any other single problem, cried out for attention, called for drastic action and carried with it more of promise and hope for the social betterment of this community.

<sup>1</sup> Extract from *Annual Report of the Department of Public Charities of the City of New York for the Year 1915*, pp. 13-15.

The work of the Department of Public Charities quite naturally divides itself into two distinct fields of effort, the care of persons (dependents) in public institutions—including the sick poor, the homeless, the aged and infirm, the tuberculous and the feeble-minded—over which the Department has complete jurisdiction, and the care of persons (dependents) in private institutions which receive money from the city for this work and over which the city and this Department has a limited jurisdiction. It is, of course, well known to your Honor, that in the past the work and attention of the Department has been almost exclusively confined to the first of these two activities, viz., to the care and treatment of the various groups of dependents in the public institutions. With the second problem the City has never seriously concerned itself. In fact, as Comptroller Prendergast has truly said in a report entitled "A Digest of Laws, Decisions and Regulations Relating to the Control of Private Charitable Institutions Receiving City Funds and the Commitment of Public Charges to Their Care," which was issued in 1911:

The Department of Public Charities exercises practically no supervision over the care and treatment of children committed by its agents and by the Juvenile Courts, once they are sent to private institutions. Where responsibility rests for the supervision of service; what degree of regulation should be exercised; who should determine the conditions of commitment and discharge; what character of treatment and service should publicly-supported inmates receive in private institutions; what kind of education should be given them; what efforts are made by the institutions properly to equip their inmates to meet the obligations of citizenship and economic independence after discharge; whose responsibility it is to find permanent foster homes for children bereft of parents and committed, in consequence, to what in theory should be only the temporary custody of the institution—these and many other questions vitally affecting the welfare of the thousands of children who by misfortune are brought into the care and keeping of public authorities it has apparently been nobody's business heretofore to solve.

Prior to 1914, the City perfunctorily committed children to the custody of various private charitable institutions, paid these institutions on a per capita basis for the care of these children without supervision of service, and perfunctorily accepted the certificate of the State Board of Charities as to whether or not these institutions were giving proper, decent and humane care to the City's wards. Further than this the City made no effort to ascertain whether or not the City was getting a dollar's worth for every dollar expended in the care of dependent children. Like many individuals it took credit to itself for an expendi-

ture for "charity" and then forgot about it. It sent thousands of boys and girls to orphan asylums and then forgot about them; it made no inquiry as to whether the taxpayers' money, presumably appropriated to provide decent physical care and proper moral, educational and industrial training, was actually being used for these purposes; it made no effort to ascertain whether these children were being given a chance to play and a chance to learn. It merely accepted the report of the State Board of Charities as to whether a given institution was an "A" institution, a "B" institution, or a "C" institution, these letters representing the relative merits of the institutions, as rated by that Board.

. . . .

This condition of affairs was considered so serious as to warrant the Mayor in submitting this report to the Governor of the State, with the suggestion that the Governor institute a special investigation of the work of the State Board of Charities. The Governor responded by ordering such an investigation and by appointing Mr. Charles H. Strong<sup>1</sup> a Commissioner, under the Moreland Act, to conduct the inquiry.

The investigation, as your Honor is aware, is now in progress. Whatever the nature of Commissioner Strong's report may be, its outcome is bound to be of great benefit to the 23,000 children who are under the City's care. Already a number of institutions have made zealous efforts to improve the conditions criticized by the Committee of Inspection, which with your Honor's approval, I appointed in 1914 to examine into the care received by the City's children in these institutions.

In addition to the improvement of the standards and ideals of the various private, child-caring institutions, however, there must be secured some other developments of more far-reaching importance to this community. I respectfully represent to your Honor that our experience during the past two years points convincingly to the fact that, in the matter of caring for dependent children, the City of New York has for years been moving in the wrong direction. Like Pennsylvania and Maryland, we have been following the line of least resistance and building up a great, top-heavy, subsidized institutional system, so high and huge, that it threatens to collapse. More dependent children, formerly, have merely meant more institutions, and more institutions have meant more dependent children. At the same rate that Massachusetts has been decreasing her institutional population during the last decade, we have been increasing ours. We have failed to realize

<sup>1</sup> [See above, Part II, Section III, Document 13.]

that institutional life for normal children, is abnormal at the best, and that an orphan asylum, unlike a school or college, represents only a recourse, and not an opportunity.

I feel it my duty to urge upon your Honor that the time has now come when the City of New York should thoroughly test the plan of placing our children in private homes, which long ago passed the experimental stage in the Commonwealth of Massachusetts. It is the convincing force of the idea that home life, even under some adversities, is vastly superior to institutional life for children, which has brought legislation providing for public pensions to widowed mothers in twenty-nine states of the Union. Widows' pensions, however, help only the fatherless; they do not provide for motherless boys and girls. It is with the motherless, at this moment, that I am most seriously concerned. I respectfully recommend to your Honor that the City, through this Department, should earnestly make an effort to search out a childless home for the homeless child with a view either to effecting an adoption or paying a good foster-mother a sufficient allowance to enable her to provide proper care and training for the child. I do not underestimate the difficulties of this new work, but I believe that necessity demands a thoroughgoing effort in this direction. This work should properly be done through a Child-Placing Bureau in this Department, with a staff of earnest, sympathetic and experienced investigators to find foster homes and to supervise the care given the City's children in such homes.

#### **8. The Development of Social Service in the Department of Public Charities<sup>1</sup>**

The particular reason why I have been asked to continue this discussion is because I have had something to do with a reorganization of certain services in the Department of Charities, which recognizes the fact that there is need for social service in connection with every kind of application that may for any reason be made to the Department of Public Charities. When the mother comes asking for a child's commitment it means that there is very apt to be a situation in that family which calls for the same kind of attention, for the same kind of assistance by the Department of Charities or by some other voluntary agency or by a neighbor as is needed when there is a patient in the hospital. If a feeble-minded person is to be committed by action of the Department of Public Charities to an institution for the feeble-minded

<sup>1</sup> Extract from address by Edward T. Devine, *Proceedings of the Sixth New York City Conference of Charities and Correction*, 1915, pp. 22-25.

there is very apt to be some situation in the family that calls for such relief and preventive work as is in our mind when we talk about hospital social service. When there is a patient to be committed to a tuberculosis hospital or infirmary, when there is an application made to the Bureau of Domestic Relations for action in non-support or abandonment or bastardy case, there is also an opportunity for social service, for intelligent analysis, careful study of the situation in that family to see whether anything can be done in addition to the particular action which the Department has been asked to take. I should be glad if there were time to recount the history in the last twenty years in the Department of Public Charities, the development of the specialized bureaus and divisions of various kinds that have split off from the old undifferentiated superintendent of outdoor poor. There are some here who remember the office of superintendent of outdoor poor when Mr. Blake and his predecessors and successors (I believe there was one successor) sat in the building at Eleventh Street and Third Avenue and took care of all kind of cases that came to the Department of Charities, regardless of what the applications were. I remember, among other things, his giving out those little bottles of medicine for stomach ache. He didn't require the diagnosis or prescription of the physician. Any woman that thought that she herself or some member of her family needed it could come and get it. I am told it was a very good prescription; I never tried it, but I understand it was tried on many people and I never knew of a death resulting from its use. That is an illustration of the miscellaneous duties that devolved upon this layman whom we called the superintendent of outdoor poor; but in the course of time we had a children's bureau, a clearing house for mental defectives, a domestic relations bureau, a tuberculosis bureau, a social service division in the hospitals. We have various kinds of services. They are all social services. However long they may have been in existence, they represent a kind of social service.

The thing which the reorganization of this present year is intended to recognize is that this process of specialization—I won't say has gone far enough; I have no doubt that the need for their special services may arise—but must be supplemented by another principle, if you please. The two principles are not antagonistic. First as there are many special kinds of needs arising, so we need to have many kinds of bureaus or services. After that, however, it remains true the family in which all these things arise is one. They are the same people, the same family. It is therefore desirable that the different services should

be consolidated whenever there is an application for any one kind of assistance; the person who makes the investigation should have all of the experience of the Department of Public Charities in dealing with that same family. The creation of the bureau of social investigations means the consolidation of these different services, the consolidation of the staffs of the various bureaus, the recognition of the family as the unit of work, and then consistently with this policy an organization for administrative purposes on geographical basis, breaking up this great city into manageable districts, so that a particular district will not have the whole of Brooklyn, but only half; so that the visitors working in that particular district can come to know the families, can come to know the private agencies and public institutions and deal with them in that way on a family basis.

Specialized consolidation of records, consolidation of the services, is thus accompanied by decentralization for administration on a geographical district basis and reasonable co-operation with other city departments and services and with voluntary agencies on the ground that the Department of Charities of itself, even though it had five times the resources it now has, would not be able to do all that needs to be done in the way of service in the city, any more than the private charities, even though they had a hundred times the services, would ever apply to it all that needs to be done. . . .

As citizens, we are responsible for what takes place in these public institutions. We cannot discharge our elementary religious obligation by feeding the hungry, clothing the naked, being kind to the individual patient that is sick, or the one who is in prison who may happen to be known to us. The only way in which you and I can fulfill our elementary religious obligation is by seeing to it that the institutions, public and private, of the community in which we live are taking care of the sick, hungry and naked, and the people who are in prison in the community in which we live.

#### 9. Standards of Placing Out Developed after the Controversy with the State Authority<sup>1</sup>

At the fourteenth New York State Conference of Charities and Correction, held at Buffalo, in 1913, at which a paper on "What Do

<sup>1</sup> Extract from Homer Folks, "Report of the Special Committee on Standards of Placing-Out, Supervision and After-Care of Dependent Children," *Sixteenth New York State Conference of Charities and Correction Proceedings*, 1915, pp. 271-89.

We Know About the Ten Thousand Placed-Out Children in New York State?" was read by Miss Florence L. Lattimore, the following preamble and resolutions were recommended for adoption by the Committee on Resolutions, and were adopted by the Conference:

WHEREAS, It is important both for the protection of dependent children and for a wise development of child-caring agencies that there should be made available more complete information as to the physical, economic and moral condition of children who have been for substantial periods of time under the care of institutions or societies, and have been returned to their relatives or placed out or otherwise provided for; therefore,

*Resolved*, That this Conference urges upon agencies engaged in placing out children, that after conference with each other and due consideration, they formulate standards of placing-out and supervision, and of after-care, which they mutually agree to endeavor to put into practice, and which will enable them to give a uniform and comprehensive accounting of the children cared for by them; and

*Resolved*, That this Conference likewise urges upon institutions for children that in like manner they formulate and endeavor to carry into effect standards of after-care of children returned by them to relatives or friends or otherwise provided for; and,

*Resolved*, That the President of the Conference be requested to appoint a committee of fifteen, representing placing-out agencies and institutions, to provide for carrying the foregoing resolution into effect.

. . . .

This Committee begs to submit and to recommend the adoption of the statement of standards of placing-out, supervision and after-care of dependent children both by placing out societies and by institutions appended hereto. This statement has been formulated as a result of the comparison of methods and experiences of the Catholic Home Bureau for Dependent Children and the State Charities Aid Association.

The Committee is pleased to report that the New York State Convention of the Superintendents of the Poor in 1914 appointed a committee on this subject. . . .

The tentative report of the Committee of the State Conference of Charities and Correction was placed in the hands of this committee of the Convention of the Superintendents of the Poor, and with slight modifications was recommended by that committee to the Convention of the Superintendents of the Poor in 1915 for adoption, and was adopt-



ed unanimously by that Convention with the modifications suggested. . . .

#### STANDARDS OF PLACING-OUT, SUPERVISION AND AFTER-CARE

##### I. STANDARDS OF PLACING-OUT

1. What constitutes an adequate investigation of a home?
2. Must an adequate investigation include a personal visit to the home by a personal representative of the placing-out agency?
3. What are the things which such a personal visit, if necessary, should include in the way of inspection and inquiry?

1, 2 and 3. An adequate investigation should be made before a child is placed in any home. It should include—

- a) The filling out by the applicant of a blank to be signed by both husband and wife, application stating the essential facts in regard to the proposed home and foster parents;
- b) Written reports from the references given by the applicant and usually from independent references, and
- c) A personal visit by a representative of the placing-out agency to the home of the applicant. A personal interview should be held with the foster mother and with the foster father, if practicable.

The *facts* collected by the investigator should usually include the sex, age, character, habits, health, temperament and occupation of each member of the family, general standards of the home and neighborhood distance to school and to church, living conditions, such as sleeping arrangements, sanitation, ventilation, cleanliness and comfort; the financial status of the family including the approximate amount of the annual income and its sources, opportunities for advancement, savings, insurance, etc.; the family's social connections and amusements; their moral and religious standards; motive in taking a child and their attitude toward discipline of a child, and the possibilities for recreation. At least three references, people who have known the family intimately for a period of at least three years, should be visited.

4. Should references be required in addition to those given by the applicant?

Unless the information about the home, as gained by personal visits to it and to the references given by the family, is unquestionably satisfactory in every respect, references known independently to be reliable and of good standing, in addition to those given by the applicant, should be had when possible. Whenever any substantial doubt is suggested in the course of an investigation, the matter should be pursued

until the doubt is removed or the undesirability of the home is established.

5. Should references be seen in person in every case, or is correspondence with the references sufficient?

The references given by the applicant, or independent references, or other persons of standing in the community should always be seen personally.

6. Assuming that an adequate system of investigation is established and thereby the true facts in regard to the homes secured, what are to be considered minimum standards by which homes are accepted or rejected, from the point of view of:

a) Income. (Amount, regularity, etc.)

A family in a large city dependent on wages should have an income of not less than \$900 a year for a family of three, and savings to draw on in case of emergency. In smaller cities and in villages a smaller income may be sufficient, and in the country no definite income can be stated, but families should have some capital in the form of real estate, stock or implements, or savings for emergencies.

b) Intelligence. (Including the education of foster parents and also the educational opportunities likely to be offered to the child.)

No definite amount of education should be demanded. The families should be sufficiently intelligent to appreciate the value of regular mental and vocational training, to teach the child practical, every day matters of decent living and to give the child moral protection. Decided preference should be given to families of some degree of natural refinement.

c) Moral Standards. (e.g.: How much is to be permitted in the way of profanity, occasional drinking, etc.)

1. Honesty in business and personal relation is essential.

2. No home should be accepted where any member of the family is not living in accordance with the usual American standards of social and personal morality.

3. Temperate use of alcoholic drinks which does not interfere with the home or business life of the family should not necessarily interfere with a placement, though, other things being equal, preference should be given to abstainers. If any member of the family becomes intoxicated, even at rare intervals, or if moderate but regular drinking seriously reduces the family resources the home should not be used. No home should be used which is a resort for public drinking, even if the family itself is temperate.

4. Profanity alone (unless indulged in habitually and in the home) does not necessarily make a home unusable. If it indicates vulgarity and a

generally low moral standard, the home should be rejected.

d) Religious Training.

Children should be placed with individuals of the same religious faith as the parents of the child. Ordinarily it is not practicable to place Protestant children according to the various Protestant denominations. Opportunity for religious training should always be required.

7. Should standards higher than the minimum be required in regard to homes for certain classes of children? If so, what classes of children, and what standards?

For a child of general marked promise, a home should be selected where more than the minimum amount of required education will be given the child, and where he will be surrounded by refinement and culture. Children with a talent of any kind should be placed where that talent can best be developed. For a child needing special physical care a home which is especially equipped to meet the need should be selected. A difficult child requiring expert attention needs a home where the person in charge of the child has had some special training or is temperamentally fitted to deal intelligently and sympathetically with him.

8. How far should inquiries be pushed in regard to the parentage and family connections of children who are to be offered to foster parents?

The investigation of the family history of a child should include all the data which can be obtained without undue expense in regard to the parents, brothers, sisters and grandparents of the child. Honest and earnest effort should be made by personal visit and by correspondence to secure this information. There should also be secured such facts as may be readily obtainable in regard to aunts, uncles, and other relatives.

In regard to the child's immediate family, i.e., parents, brothers, sisters and grandparents, the facts should, whenever possible, include the following: the name, former and last known address, with date; whether living or dead; if dead, date and cause of death; nationality, race; religion; occupation; health; mentality; habits, moral character; prominent traits; personal description; social and moral standards of the family, etc. Any indications of abnormality should be noted. The housing and neighborhood conditions and the standards of home life should be recorded, as well as the child's characteristics and personal history. The sources of information should be given with full name and address, and if an official, the title of the person from whom the information is secured.

9. What must we require of the children in the way of:

a) Health.

A placing-out society should be fully informed by a competent physician concerning the physical condition of each child who is to be placed. No child suffering from an infectious or contagious disease, which would endanger others, should be placed. Children suffering from a physical defect, who are not a menace to the community, may be placed in specially chosen homes.

b) Mentality.

No child should be deprived of an opportunity for family life merely because of the fact that he is peculiar, backward, retarded in school or mentally slower than the ordinary child of his age. If his mental deficiency, however, results in such conduct as to be an actual danger to himself or to others under the usual conditions of family life, he should either be placed in a family home selected for its ability to afford special supervision, or in a custodial institution. Border-line and doubtful cases of mental ability should be placed in boarding homes rather than free homes, and under special supervision, pending determination of their mental status. Children pronounced by competent authorities to be definitely feeble-minded, should be placed in charitable institutions. In the absence of adequate institutional provision, boarding in carefully selected families may be the next best alternative.

c) Character and Disposition.

No child should be deprived of a trial in a family home because of an undesirable disposition or unfortunate habits, unless such disposition and habits constitute a source of actual danger to himself or to others in the community, which cannot be overcome by home life under ordinary conditions. A child whose conduct may be an actual danger to others, under the ordinary conditions of family life, should either be placed in a family home selected for its ability to afford special supervision, or in a reformatory institution. Border-line and doubtful cases should be under special supervision, both by the family and by the placing-out agency, pending determination of the necessity of commitment.

t) Heredity.

A child, both of whose parents are obviously feeble-minded, or have been pronounced feeble-minded by competent authorities, should not be placed in a free home for adoption, but may be boarded in a family under careful supervision until the mental capacity of the child is clearly established. A child, one or both of whose parents are epileptic, insane, of weak or degenerate stock, or of doubtful mentality, or who are reputed to be feeble-minded, should not be placed in a free home for adoption unless the foster parents are fully informed as to the child's history, and are able to understand the responsibility they are assuming. If such a

child has reached an age at which his mental, moral and physical status can be reasonably determined, he should be dealt with on the basis of his individual capacity and not on the basis of his heredity.

10. What should be required as to legal custody, commitment, surrender, etc.?

A child who is to be placed in a free home with a view of permanence, should either have been

- a) Legally surrendered by the parents or surviving parent, or
- b) Removed from their custody as improper guardians by an order of the court, or
- c) Removed from the family by some other process authorized by law, such as commitment by a poor law officer.

Separation, however, with a view to a permanent free foster home, should only be made after investigation has shown that the parents are not "fit, competent and able to fully maintain, support and educate such child," and that there is no reasonable probability that these disabilities will ever be overcome. A full statement should be placed on record of the conditions which necessitated the separation of the child from its parents, the legal process by which such separation was made, and, if the separation occurred more than three months previously, of the present whereabouts, circumstances and conduct of the parents.

11. When a placed-out child, not legally adopted, is returned by the foster parents, who is responsible for its support?

- a) While awaiting replacement, or
- b) Permanently if unplaceable?

Under the poor law, a person must be maintained by the town, city or county in which he has a legal settlement, and the legal settlement of a minor is that of the father, if living, or if not, of the mother. Morally, the obligation of a community to provide for a dependent child does not cease because it may be desirable to provide a home for the child in some other community. Both the legal and the moral responsibility for the support of a poor child is a continuing responsibility upon the poor law district in which the parent of the child has or had a settlement. When a child who has been placed in a free home is returned and must be supported either temporarily or permanently, that support should be provided by the locality from which he came, and if the child has been proven to be unsuitable for family life, permanent provision should be made for him by such locality.

## II. STANDARDS OF SUPERVISION

## 1. What should supervision include in the nature of:

## a) Personal visits by responsible trained agents. How often?

Personal visits by responsible trained agents should be made as a rule at least twice a year. In cases where there is discontent on either side, or doubt as to the desirability of the home, they should be made as often as necessary.

## b) Correspondence with the foster parents or the child. Friendly and, in some cases, instructive correspondence should be carried on with the foster parents. If the child is placed in a home when from six to twelve years of age, friendly correspondence may be useful. In the case of a child placed when twelve years of age or older, correspondence with the child should always be maintained.

## c) Correspondence with school teachers?

Correspondence with school teachers of children of school age is desirable, unless in exceptionally good homes where families prefer not to have the teacher know that the child is not their own. The school report should give a record of the child's formal school progress, his attendance and general position in the community.

## d) Visits by or correspondence with local volunteers.

Visits by or correspondence with local volunteers is helpful in special cases, but under ordinary circumstances it is best not to emphasize the fact that the child is not in its natural home.

## 2. What should be the character of a visit of supervision?

Before visiting a child, the agent should review the child's history, and also the original investigation of the home, noting any points suggesting further inquiry. When a child is visited, the agent should observe carefully the condition of the child, his health, his clothing, his attitude toward the foster parents, whether or not the child is happy, the amount of work he does, his progress in education, where and with whom he sleeps, his opportunities for play and possibilities for social life. The agent should also note the condition of the home, particularly as to cleanliness, order, comfort, the foster parents' attitude toward the child, their method of discipline, their plans for the child's future. Any changes in the home or home life should be noted. Agents should be instructed not only to gather information, but to give constructive advice to the family and child. Any child over eight years of age when placed should be interviewed alone. If any question arises as to the home or the child, some responsible person in the community familiar with conditions in the home should be interviewed.

3. How long should such responsible supervision continue in regard to:

a) Children who are not legally adopted.

Supervision should continue until the children reach the age of twenty-one, unless by reason of the exceptionally satisfactory character of a home and exceptionally close relation between foster parents and the child it becomes evident at an earlier date that further supervision can serve no useful purpose. The form and purpose of supervision gradually changes as the child grows older, involving more and more, as time passes, of friendly advice and counsel to the child in regard to matters of education and occupation. If the supervision is skillfully done, it gradually passes over from control to friendly counsel, as it does between parent and child.

When a child has been in a home for a period of five years or more, and conditions of the home and the development of the child have been satisfactory, an annual visit may be sufficient, or in a few cases in which conditions are similar to legal adoption, the supervision may consist of correspondence only.

Supervision in case of older children should always include a consideration of the training of the child in regard to earning and spending money. If the child was placed in the home when ten or twelve years of age, some compensation for his labor may reasonably be suggested to the foster parents after he reaches the age of sixteen or seventeen, provided he is not attending school. Due allowance should be made for the period of time the child has been in the home, and the amount of expenditure the foster parents have necessarily incurred in his behalf.

As to children placed out when less than twelve years of age, the wisdom of the foster parent granting a small allowance of spending money to be used by the child in his discretion, with friendly advice, may well be suggested.

b) Children who are legally adopted.

Responsible supervision, of course, stops when legal adoption takes place. It is desirable, however, that placing-out agencies should, when practicable, and when it can be done without danger of disturbing the relations between the child and the foster parents or the community, secure information, from time to time, as to the subsequent careers of children who are legally adopted, both for the practical reason of being able to answer criticisms as to what finally becomes of such children, and for the scientific reason of being able to form an increasingly wise

judgment as time passes as to the operations of heredity and environment. Placing-out agencies should therefore be careful to place on record all information which comes to them in the ordinary course of events concerning children who have been legally adopted, and also, in so far as it is practicable for them to do so, with the consent and approval of the foster parents, to keep informed by correspondence with the foster parents or others, as to the welfare of the child until it reaches majority, or even subsequently. Naturally, very great care must be taken to see that this is not done in such a way as to cause embarrassment either to the child or the foster parents.

#### 4. Standards of Adoption.

- a) How long a time should elapse after placing-out before an application for legal adoption will be considered? Should any exception to this standard period be permitted?

At least a year should elapse before consent for legal adoption is considered. Some agencies require two years. In special circumstances, such as a change of residence, or in matters of inheritance, consent may be given sooner if the family is unquestionably a good one.

- b) What children, if any, should not be legally adopted?

It is wise to delay permission for legal adoption of children in whose family stock, on one or both sides, there is clear evidence of mental defect. However, if the foster parents, having been fully informed of the child's history and being sufficiently intelligent to realize the responsibility they are assuming, still desire to adopt the child and are willing that the placing-out agency should keep in sufficiently close touch with the child to be able to suggest and assist in securing custodial care for the child, should mental deficiency develop, consent for adoption may be given. Special effort should be made in such cases to keep informed as to the welfare of the child during minority.

- c) What standards should be required as to families to which consent for legal adoption will be given?

The standards required as to families to which consent for legal adoption should be given are not materially different from those which should be required in case of the original placing-out. Consideration of permission for adoption should, however, include careful inquiry as to whether subsequent events have fully confirmed the judgment which approved the home originally. Consent for adoption may appropriately be delayed or withheld, if there is lack of sufficient intelligence or income in the family to give reasonable assurance of the maintenance of high standards of training and education without supervision from the placing-out agency.



## III. STANDARDS OF AFTER-CARE

It is assumed that after definite, formal supervision is finished there will be, in some cases at least, an opportunity, and in others, perhaps, a necessity for after-care. How far should this be carried out by a society which has placed-out children in families in the following respects:

- a) In seeking information as to the subsequent progress of children who have been legally adopted.

By consent of foster parents, supervision after adoption is desirable for both scientific and practical purposes, as in this way complete records of the child's development can be kept, and a study of these helps in making it possible to revise present methods of work in dealing with children who are placed and those who are to be selected for placing.

- b) If this should be done at all, how should it be done? How often, and until the child reaches what age?

It should be done by correspondence and, when convenient, by friendly personal visits, but care should be taken that the fact of the adoption is not disclosed or emphasized. Such visits every second year are sufficient until the child is of age and self-supporting or married. If after adoption is completed there is a radical change in the family life, such as the death of one of the foster parents, or if the child has developed in any way abnormally, regular supervision should be maintained.

- c) In the case of children who have not been legally adopted, but who are especially promising in some line, how far should the society go in securing opportunities for special education, training or care in those lines?

As much as possible should be done in securing opportunities for special training for promising children, even after formal supervision has stopped.

- d) In the case of children no longer under definite, formal supervision, but who have developed weaknesses or tendencies to go wrong, how far should friendly interest and informal supervision continue, and to what age?

In the case of children who have developed subnormal or abnormal tendencies, formal supervision should, if possible, continue until the child has been committed to some special institution, placed in the care of some responsible organization, or until some private individual assumes the responsibility or permanent interest.

## CHILDREN RETURNED TO THEIR OWN HOMES

1. What constitutes an adequate investigation of an application from parents or relatives for the return of a child from the care of a society to their custody?

Before returning a child to the custody of parents, an investigation should show that they are morally and financially able to give the child

proper care, protection and training. If a child is to be returned to relatives other than parents, the investigation of the home should be as thorough as that for a free foster home.

2. Should such an investigation concern itself with any other matters than the moral suitability of the parents or relatives to look after the children?

In considering the return of a child to parents, lower economic standards can be accepted than those required in a foster home. Poverty *alone* should not, as a rule, prevent the return of a child to its parents.

3. If such an investigation should take into account the income, financial circumstances and sanitary condition of the home, should a different standard be accepted than would be required in placing-out a child in a foster home?

A lower standard can be accepted in case of children returned to parents or to older brothers or sisters, provided it is sufficiently high to assure moral protection and physical welfare.

4. After a child has been returned to his parents or relatives by a placing-out society, what degrees of supervision should the society exercise over the child?

a) If the child has been in the care of the society for less than six months?

When a placing-out agency investigates histories of children carefully before placing them in homes, as should invariably be done, there would rarely be a sufficiently radical change in the family situation within six months to warrant the return to his parents of a child who had previously been permanently removed. If the circumstances justify the return of the child to his parents within six months, ordinarily there would be no duty of subsequent supervision. If the child is returned to other relatives, the supervision should be sufficient for a period of three years to show whether the return was justifiable, and in doubtful cases should be further continued.

b) If the child has been in the care of the society for longer than six months and less than three years?

Supervision should continue long enough to assure the placing-out agency that the child is properly and permanently provided for.

c) If the child has been in the care of the society for longer than three years?

Supervision should continue the same as if the child had been placed in a free home.

#### CHILDREN PLACED IN EMPLOYMENT

When children in the care of a placing-out society reach a working age and are not permanently settled in some home, so that the foster

parents feel the same responsibility that its own parents would feel as to the child's occupation and station in life, and if the children have no parents or relatives able, willing and suitable to provide for them, what standards should the society observe in finding employment for the children?

- a) As to age at which a child is to be employed.

The laws regarding the ages of child employment should be carefully observed, and it is desirable that every child should be in school until he is at least sixteen years old.

- b) As to the kind of work, number of hours, amount of compensation and opportunities for training and promotion.

As far as possible work should be chosen which is suited to the child's aptitude. The hours and character of employment should be clearly in accordance with the Child Labor Law of the State. Only occupations offering definite training or advancement should be chosen. The beginning compensation may be small in such situations, but the exploitation of the child should be guarded against.

- c) As to supervision of conditions of work to ascertain whether original arrangements are carried out.

Close supervision by trained agents should be maintained.

- d) As to selection of suitable boarding place for children employed, and  
e) As to subsequent supervision of life in other than working hours.

The living conditions, opportunities for social intercourse and the moral influences should be ascertained by a personal visit before placing a child in a boarding home, and enough supervision should be given afterward to be sure that the living conditions and social and moral influences remain good.

#### RECORDS

What should be regarded as the essential records to be kept in placing-out, supervision and after-care of children?

A complete record in permanent form should include all the facts collected in connection with the investigation of the family history of the child (see Standards of Placing-Out, 8), with the investigation of the child's foster home (see Standards of Placing-Out, 1 to 7), and with every visit made and all the correspondence in the supervision, including copies of all letters to and from the family and the child, or about them. All formal documents such as birth certificates, vaccination certificates, school cards, etc., should be filed with the child's record. Records should be kept in such a form that the information is readily accessible. Written records should be made of all important arrange-

ments made by the placing-out society or by any of its supervising agents, either with the family or with the child.

#### TRAINED SERVICE

What degree of training should be required on the part of persons who are to be employed as agents for placing-out or supervision of children, and what salaries will it be necessary to pay to secure such services?

Only people of judgment, intelligence and ability to get along with different types of people are useful as children's agents. A good general education, special training or its equivalent in experience in social work, teaching, nursing, etc. should be required. A college education or training in schools for social work is desirable. . . .

#### CONFIDENTIAL NATURE OF THE WORK

Placing-out work is essentially confidential in its nature, and all interviews and records should be so regarded.

## SECTION IV

### INTRODUCTORY NOTE

It will be recalled that in analyzing the situation as they found it, the Massachusetts and the New York boards called attention to the problem of the private charitable society and its relation to the central authority. This is a question on which there is still great diversity of opinion.<sup>1</sup> The question of the state's power arises in connection with the organization and especially the incorporation of private charitable agencies, the supervision of their work, and their certification, of the payment to them of certain amounts, either on a per capita basis or in lump, the granting and withdrawing of licenses, and so forth. These are, of course, wholly independent of legal questions arising in connection with the use of funds as related to the purpose of the trust or other matters of donors' continuing rights in a property.

There will undoubtedly be differences of opinion and confusion of thought so long as there remains doubt as to the purpose and object of the various forms of welfare organization and so long as standards of care remain unformulated. So long, that is, as donors give to ease their own conscience or to save their souls, the distribution of alms or of services will lack the scientific method that is based on study of the community needs, and of the origin of those needs in social or industrial or political maladjustment.

It is now, however, an accepted view that a private agency undertaking health functions should submit to public control. In this category would be included, among others, hospitals, maternity homes, and institutions in which young children are cared for. This control is often exercised by the state health department, but the welfare implications are obvious.

It is also generally agreed that the institution receiving public grants or subsidies may be placed under supervision, so that in addition to the health supervision, there is the question of maintaining standards of work in other lines that are not too varied and not too remote from the best practice in the field. For this, inspection, the making of

<sup>1</sup> See above Part II, Sec. II, Documents 1 and 5; see also below, Documents 3 and 4.

rules, periodic certification, and grants in aid or sharing the cost are resorted to as devices in control.

It is not necessary to set out the arguments for and against the use of the subsidized institution. Obviously, no plan in which private agencies are depended upon to do the entire work will be adequately carried out. It is not possible for the private agency to take a comprehensive view of the needs of the situation; and the stimulus to private activity, in sectarian organization, religious ardor, and philanthropic motive will be such as always to give a peculiar importance to the work that has been begun. It is therefore essential that any program in which the private agency plays a conspicuous part should include provision for supplementary organization on the part of the public.<sup>1</sup>

In any case, setting the conditions under which public funds will be allotted to the private agency is recognized as a proper exercise of public authority. And it is often argued that, by setting conditions under which grants or payments will be made, the standards of private organizations can be fixed and maintained. This is true, as has been pointed out, only to the extent to which the public can supplement as well as support the activities of private organizations. In other words, if there is no power to supplement and the need can be met only by using the private agency which is below standard, such an agency will have to be used. If agencies of varying quality of work must be used, it is clear that the value received for the same payments of public money will be very different. This is unfair to the taxpayer, who has a right to feel that out of his forced contribution as great value in service is obtained as out of any other taxpayer's contribution.

It is also clear that, when once a policy of relying on subsidized private agencies for a part of the public work has been entered upon, it is very difficult to change either to a policy of using public agencies only or of using private agencies which finance themselves. On the other hand, when agencies have been allowed to develop under a system of subsidies, it is very unfair to them suddenly to cut off that source of support.

In the few documents presented in the following section, together with certain documents given above in other connections, some of

<sup>1</sup> For example, in the use by the English authorities of the reformatory and industrial schools there is the constant possibility that the local authority will provide such facilities as are lacking to the scheme as created by private initiative. See Sir Edward Troup, *The Home Office* (London, 1925), pp 129 f.

these principles are illustrated. In the first document some of the difficulties of dealing with the private subsidized institution or agency are set out. On the other hand, the private, like the public, institution may have its troubles,<sup>1</sup> in the form of duplicated supervision.

The constitutional rights of the central authority to draw up rules, to inspect or generally to supervise, cannot be abrogated by an agency seeking indorsement;<sup>2</sup> but the agency must be shown to have come within the constitutional limitation.<sup>3</sup>

The constitution not infrequently forbids the payment of allowances to sectarian institutions and agencies. The Illinois court<sup>4</sup> interprets that prohibition in a liberal manner, leaving a considerable number of persons in grave doubt as to just what is the status of the institution. In Document 6 a decision of the Pennsylvania court put an end to a practice of many years' duration<sup>5</sup> and brought about something in the nature of a crisis for the subsidized institution. That there should be a clearly defined policy followed in the allotment of public funds would seem obvious, and Document 7 suggests after careful inquiry the details of such a policy.

<sup>1</sup> See Document 2. See also above, Part II, Sec. III, Documents 9 and 11.

<sup>2</sup> See Document 3.

<sup>3</sup> See Document 4.

<sup>4</sup> See Document 5.

<sup>5</sup> It is said that for the institutions belonging to the Roman Catholic and Jewish congregations, enlarged private giving prevented serious harm from following the decision. Of the effect on the Protestant institutions, no statement is ventured. See Emil Frankel, *State-aided Hospitals in Pennsylvania*, "Pennsylvania Department of Public Welfare, Bull. 25."

## THE STATE BOARD AND THE PRIVATE CHARITABLE INSTITUTION OR AGENCY

### 1. The New York Policy of Institutional Care for Dependent Children<sup>1</sup>

For cause or causes that will be variously accounted for by different authorities on the subject, there was a large increase in dependent children in institutions of the class under consideration in the eleven years' interval between October 1, 1881, and October 1, 1892. The number remaining at the latter date was 24,074, being one to 270 of the population. The total expenditure in connection with orphan asylums and institutions of like character for dependent children, exclusive of the Thomas Asylum for Orphan and Destitute Indian Children, and not including juvenile reformatories nor institutions for the defective classes, during the fiscal year ending September 30, 1892, amounted to \$4,359,032.01. Toward the support of the inmates in the orphan asylums and institutions of like character there were received:

From county boards of supervisors.....	\$ 527,996.68
From cities.....	1,401,346.26
From individuals for the board of inmates.....	159,636.94
From legacies, donations and voluntary contributions.....	819,127.06

There is not a little uneasiness, if not dissatisfaction, in the public mind over the large expenditure for children under institutional care in this State; and the extraordinary expansion of the asylums may well cause anxiety in the minds of the benevolent, through fear that this now rapidly growing system may be crushed by its own weight. Even among the strongest advocates of the present system are found those who are convinced that many of our asylums have grown to unwieldy proportions; that the numbers congregated within them forbid that individual treatment and social intercourse with superiors which is desirable to the elevation of the inmates, and that the monotonous routine and restriction incident to the discipline and handling of large bodies, and the long detention under this system, tend to the process aptly termed "institutionizing." In consequence of these tendencies,

<sup>1</sup> Extract from William P. Letchworth, "The History of Child-saving Work in the State of New York," *Twenty-seventh Annual Report of the New York State Board of Charities for the Year 1893*, pp. 99-102.



it is averred that the asylum system is losing its hold upon popular favor. It would therefore seem well for asylum managers to consider to what extent these criticisms are true, and, if found to be just, endeavor to correct them. I have strong faith in the beneficence of these institutions; but I would have the length of time spent within them reduced, the children sooner restored to family life, and the public burden in this way lessened. It would seem prudent for the managers of these institutions at once to put in operation an active placing-out system, as was done in 1875, when the Children's Law was about to become operative. . . .

The large accumulation of children in asylums in Buffalo, Erie county, some years ago, became the subject of public controversy. The board of supervisors complained that the cost of their support was unreasonably large, in consequence of their prolonged stay in the asylums. The matter was finally disposed of by the board of supervisors appointing two agents who were charged with the duty of co-operating with the asylum officers in placing out children. The desired object was speedily attained; and the arrangement, which is still continued, has proved satisfactory to all concerned.

This incident suggests the question whether the State might not establish, in connection with one of its departments, an agency to assist asylums in finding homes and placing out children. The same agency might be of service in dealing with juvenile delinquents upon a plan similar to that adopted in several other States of the Union. . . .

It is customary for superintendents of the poor, in placing children in families, to indenture them. Owing to the frequent changes of officials, the duty of looking after them till maturity is theoretical rather than practical. Formerly the custom of indenturing was more prevalent in placing out children than at present. It is now growing into disuse, it having been found that, where there was dissatisfaction existing on the part of the foster-parent or the child, it was better to change than to insist upon a relation which was irksome to both. The greater proportion of children leaving the asylums are returned to parents.

. . . .

There is no uniform rate of compensation paid by counties or municipalities to asylums for the maintenance of children committed as a public charge. By some counties the price allowed for support is but one dollar per capita a week, while in New York city, the sum is \$110 a year. For such asylums as maintain schools an allowance is made for education in proportion to the number of pupils instructed.

## 2. Need of Co-ordination of State Supervision<sup>1</sup>

The State Board of Control shares with the State Board of Charities and Corrections in the supervision of all children's institutions receiving any state aid. It fixes the terms which the orphanage must meet in order to receive the state subsidy and thus exercises a very real control over the institutions. This means that two sets of state agents visit the state-aid orphanages. Both give advice; both make criticisms and suggestions. No matter what agreement the two boards enter into for the supervision of the work, overlapping, duplication and confusion are possible. New legislation is needed which shall centralize all this work.

## 3. The Constitutional Right to Lay down Rules<sup>2</sup>

HAIGHT, J. On or about the 5th day of August 1901, Mamie Schellberger, a minor of the age of thirteen years was surrendered to the New York Juvenile Asylum by her mother as an ungovernable child. She was received by the board of directors of the asylum and for the remainder of the month was retained therein, after which time the asylum, in accordance with its custom, rendered a bill to the commissioner of public charities for the support of the child in order to obtain a certificate that the child was a proper public charge, and that the asylum was entitled to its pay therefor by the comptroller of the city of New York. The commissioner of public charities refused to give the certificate called for, upon the ground that the child had not been committed to the asylum in accordance with the rules established by the state board of charities; thereupon this proceeding was instituted to compel the commissioner to give the certificate called for.

The New York Juvenile Asylum was incorporated by special act of the legislature in the year 1851, by chapter 332 of the laws of that year. Its object was the reception of children between the ages of five and fourteen years, to provide for their support and to afford them the means of a moral, intellectual and industrial education. The corporation was authorized to take under its care the management of such children as should by the consent, in writing, of their parents or guar-

<sup>1</sup> Extract from *Seventh Biennial Report of the State Board of Charities and Corrections of the State of California* (1914-16), pp. 13-14. Such appeals were the basis of Governor Richardson's program of consolidation leading to the creation of the California Department of Public Welfare (*Statutes of California* [1925], chap. 18). See also above, p. 505.

<sup>2</sup> Extract from *In the Matter of the New York Juvenile Asylum* (1902), 172 New York Reports 52-60.

dians be voluntarily surrendered and intrusted to it; also such children as should be committed to its charge by order of any magistrate of the city and county of New York; and also such children as should be found in the streets, highways and public places in the city in circumstances of want, suffering, abandonment, exposure, neglect or vagrancy.

By an amendment of the act of incorporation in 1866, chapter 245, section 28, the board of supervisors of the county were required in each year to levy and collect by tax and to pay over to the asylum one hundred and ten dollars per annum, or proportionately for any fraction of the year, for each child which, by virtue and in pursuance of the provisions of the act, "shall be intrusted or committed to the said asylum and shall be supported and instructed therein." This section of the statute was subsequently incorporated into the Greater New York charter, section 230, which is the statute upon which the petitioner bases its claim for support of the child, Mamie Schellberger. Under this statute claims of this character have been paid for many years, and unless it has been repealed, amended or modified by the imposition of conditions, it furnishes authority for the payment of the petitioner's claim.

The Constitution of 1895, article 8, section 11, provides that

The legislature shall provide for a state board of charities, which shall visit and inspect all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character. . . .

SECTION 13. Existing laws relating to institutions referred to in the foregoing sections, and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the legislature. . . .

SEC. 14. Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance, and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support, and maintenance, may be authorized, but shall not be required by the Legislature. *No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities.* Such rules shall be subject to the control of the Legislature by general laws.

Pursuant to these provisions of the Constitution the legislature in 1895, chapter 754, authorized cities, towns and villages in their discretion to appropriate and raise money by taxation and to pay the same over

to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their inmates, of the moneys which are or may be appropriated therefor; *such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities,*

and again by the *Laws of 1896*, chapter 546, section 9, subdivision 8, provided that the said board of charities shall "establish rules for the reception and retention of inmates of all institutions which, by section 14 of article 8 of the Constitution, are subject to its supervision."

Section 230 of the Greater New York charter, as amended by chapter 466 of the *Laws of 1901*, authorized the board of estimate and apportionment in its discretion to annually include in its estimate, to be raised and appropriated, various sums of money for institutions therein specifically named, among which, by subdivision 14, is the New York Juvenile Asylum; but by the concluding subdivision 24 of the section it is provided that payments were to be made "*only for such inmates as are received and retained therein pursuant to rules established by the state board of charities.*" Again by the same charter, section 658, a department of public charities was created and the head of the department was called the "commissioner of public charities." Such commissioner was given jurisdiction over all the hospitals, almshouses, and other institutions belonging to the city, with power to commit children who may become a public charge to *any institution incorporated for charitable purposes, and* to reimburse such societies and corporations for the expense incurred in the support of such children (sections 660 and 664); but by section 661 it is provided that

No payment shall be made by the city of New York to any charitable, eleemosynary or reformatory institution wholly or partly under private control, for the care, support, secular education, or maintenance of *any child surrendered to such institution*, or committed to, received or retained therein in accordance with section 664, . . . except upon the certificate of the commissioner of public charities that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of charities.

The state board of charities, pursuant to the provisions of the Constitution and of the statutes to which we have called attention, estab-

lished rules which, so far as is material upon the question under consideration, are as follows:

#### I. THE RECEPTION OF INMATES

The following classes of persons and no others may be received as public charges into charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, authorized by law to receive payments from any county, city, town or village for the support, care and maintenance of inmates. . . . 4. . . . No child between the ages of two and sixteen years, unless convicted of crime, shall be received into any such institution as a public charge unless committed thereto or placed therein by a court or magistrate having jurisdiction, or by the superintendent of the poor of a county, or overseer of the poor of a town, or commissioner or commissioners of charities, or other local officer or board legally exercising the powers of an overseer in the county, city, town or village sought to be charged with the support of such child and authorized by law to commit children to such institution or to place them therein.

As we have seen, Mamie Schellberger was placed in the New York Juvenile Asylum by her mother. She had not been convicted of any crime and was not committed by any court or magistrate, or by the commissioner of charities of the city of New York who legally exercised the powers of an overseer of the poor in counties. It is not alleged that this child was a poor person or that her mother was unable to support her, and thus far there has been no adjudication that she was a proper public charge. It will thus be seen that the claim of the asylum rests upon the provision of its charter giving parents the right of surrendering their children to it, and the provisions of the statute authorizing the city of New York to pay it one hundred and ten dollars a year for each child so given to its charge and custody.

In answer to this the city invokes the rule established by the state board of charities to which we have referred. The asylum contends that this rule is illegal, unauthorized and void. If this rule is to be construed as effecting the repeal of the statute we should hesitate about sustaining its validity. The Constitution and the legislature, by the acts to which we have referred, have authorized the state board of charities to make rules, but such rules are subject to the control of the legislature by general laws. By authorizing the board to make rules the legislature has not delegated to it any of its powers to enact or to repeal laws, and, doubtless, no such power was contemplated by the constitutional provision to which we have referred. This is evident from the

concluding clause, which subjects the rules of the board to the control of the legislature.

The Constitution is the supreme law of the state, and before it all statutes must fall that are in conflict with its provisions. The first provision to which we have called attention preserves statutes until amended or repealed by the legislature, which are not inconsistent with its provisions. The next section to which we have referred gives to the legislature the power to authorize counties, cities, towns and villages to make appropriations for charitable institutions wholly or partly under private control, but prohibits the legislature from requiring such appropriations. In other words, cities may be authorized to make donations to charitable institutions, but they must be left free to exercise their own judgment as to the amount and character of the charities they shall bestow; but no payments shall be made for any inmate of a charitable institution under private control who is not received and retained therein pursuant to the rules established by the state board of charities. Here we have an express prohibition with reference to payments made for inmates of such institutions. Under the charter of the asylum the city of New York was required to pay one hundred and ten dollars per annum for each child surrendered to its care by its parents, or committed to it by an officer authorized to commit children to such institutions. Under this statute there was no discretionary power vested in the common council or board of supervisors. The payment was required to be made by the act of the legislature, and it was subject to no rules or regulations of any board, but the provisions of the Constitution effected a change of the statutes in these particulars. The payment of one hundred and ten dollars per annum can no longer be required by the legislature; it can only authorize the city to make it, leaving it free to act through its constituted authority and to make the payment or not in its discretion. Not only this but it changes the provision of the statutes by prohibiting payments, unless the conditions specified in the Constitution are complied with. What are these conditions? They have been repeated time and again in the statutes, as well as in the Constitution. There was a purpose sought to be accomplished; this purpose appears from the discussions that were engaged in by the members of the constitutional convention in which this provision was framed. Mr. Choate, the president of the convention, spoke at some length when this provision was under consideration, and, among other things, stated that in the city of New York, as it then existed before its enlargement, there were eighteen thousand children

in these asylums supported by charity, many of whom were placed there without commitment by parents who were perfectly able to support them; and that these provisions had been framed for the purpose of preventing this abuse and the wrongful appropriation of the public moneys. It is thus apparent that the object and purpose of the provision was that there should be some means provided for determining whether the inmates of these asylums were properly a public charge. This duty the Constitution delegated to the state board of charities, but subject to legislative control. It impaired no legislative function; it merely involved an inquiry as to the condition of the inmates in regard to their financial responsibility or that of their parents or guardians. It doubtless was not deemed practicable for the board itself to investigate and determine the financial condition of each inmate of these asylums throughout the state, consequently it was given power to adopt rules and to specify officers by whom these questions could readily be determined.

It is not the rule that repeals or amends the statute; it is the Constitution itself that effects the change. If the Constitution had provided that no payments should be made for the support of infants in these asylums, except upon an order of the court adjudging that the person for whom payment is sought was properly a public charge, it would hardly be contended that the court in determining the question was in effect repealing the statute. To our minds no greater force can be given to the action of the state board of charities. It has adopted rules as it was required to do by the provisions of the Constitution and of the statutes, to which we have referred. It is the Constitution that gives life and force to these rules and it is the Constitution that places limitations upon the payments that the statutes had previously authorized and required. The Constitution itself does not provide the means for the determination of the question as to whether the children in these institutions are properly a public charge; that function, as we have seen, devolves upon the state board of charities. Until, therefore, the state board of charities takes action in the matter and provides the means by adopting rules, the constitutional provision may not be self-executing; but as soon as the board takes action and adopts the rules, then the Constitution acts presently upon the existing statutes and all payments thereafter made must be in accordance with its provisions. This was asserted by Chief Judge ANDREWS in the case of *People ex rel. Inebriates' Home for Kings County v. Comptroller of the City of*

*Brooklyn* (152 N.Y. 399-410) in which it was again asserted that this provision of the Constitution says:

We entertain no doubt that this prohibition operated presently, that is to say, that from the time rules should be established by the State Board regulating the reception and retention by charitable institutions, no payments would be justified for the care, support and maintenance of inmates received or retained in contravention of the rules of the board.

So in the case of *People ex rel. New York Institution for the Blind v. Fitch* (154 N.Y. 14-38) in which it was again asserted that this provision of the Constitution operated presently from the time rules were established by the state board of charities; and in addition thereto, MARTIN, J., in delivering the opinion of the court, says:

This declaration of the organic law is plain and unambiguous, and expressly forbids the appropriation of money by the counties and cities of the state to any such purpose, unless the inmates are received and retained in the manner stated. Its manifest purpose is to make all appropriations of public moneys by the local political divisions or municipalities of the state to institutions under private control, subject to the supervision and rules of the state board of charities.

There is nothing in these provisions which affects the rights of parents or guardians in surrendering their children or wards to the custody of the asylum for support and education, if they so desire. The asylum may still receive such children and support them at the expense of their parents or guardians, or of such charitable fund as may be in its possession for that purpose. They are only prohibited from collecting pay from the city for the support of these children until the commissioner of charities of the city, or of some court having jurisdiction, has committed them to the asylum as proper subjects of a public charge. This imposes no great hardship on the asylum, and it protects the city from the frauds which may be practiced upon it by those who are able to support and educate their own children. . . .

Order affirmed.

#### 4. When Is a "Charity" a "Charity"?<sup>1</sup>

O'BRIEN, J. . . . The whole discussion resolves itself, in the end, into the inquiry: what is a charitable institution within the meaning

<sup>1</sup> Extract from *People of the State of New York ex rel. State Board of Charities v. New York Society for the Prevention of Cruelty to Children* (1900), 162 New York Reports 430-36. See also 161 New York Reports 233 and 42 New York App. Div. 83.



of the Constitution and the statutes? When that term, as used in the Constitution, is defined, the controversy is settled, since the statutes are no broader than the Constitution, and whatever construction is to be placed upon the fundamental law, the same construction would follow with respect to the same terms when used in the statute. The brief upon this motion is signed by the attorney-general and his predecessor in office, who appeared as counsel in the case, and also by two other distinguished members of the bar who did not participate in the original argument. It is somewhat remarkable that in all the discussion upon the only question in the case the counsel have not attempted to furnish a definition of a charitable institution, as that term is used in the Constitution. All must admit that it does not include every corporation or society that has some charitable feature or is engaged in some good work, but that the meaning of those terms must be limited. This much, it is safe to premise, has already been demonstrated and must be conceded. Assuming that this proposition is beyond dispute, the question is, and always has been, where is the line to be drawn? The learned counsel who have presented the brief in support of this motion have not attempted to draw it. It is true that they earnestly contend that this court, in the decision of the case, has drawn the line at the wrong point, but they have not attempted to inform us at what other point it should be placed. They evidently have not contented themselves with attempting to show that wherever it is drawn this defendant should be included within the powers of the board of charities.

It is quite obvious, however, that if any limitations at all are to be placed upon those powers the language of the Constitution must be construed by some reasonable rule or upon some rational principle. We have attempted to do that by holding that a charitable institution must be one that in some form or to some extent receives public money for the support and maintenance of indigent persons. By public money is meant money raised by taxation not only in the state at large but in any city, county or town. The adoption of this principle will permit the board to visit, inspect and regulate every institution in the state, public or private, where children or adults are supported or maintained, in whole or in part, by the use of public money, and every institution, public or private, where children or adults are sent or detained for support or maintenance in pursuance of any law. But we are informed by the papers upon this motion that this rule would deprive the board of jurisdiction

over half the charitable institutions in the state. The papers presented in opposition to this motion show that the institutions thus excluded, with the exception, perhaps, of about half a dozen, have never been visited by the board in the past; and obviously, if it be true, as the relator asserts, that there are over twelve hundred charitable institutions in the state, it would be impossible to exercise the power of visitation by the board with respect to all of them in any one year. There must, in the nature of things, be a distinction in this respect between private institutions receiving public money in some form or in some measure as charity and the same class of institutions that do not. This may be illustrated by reference to a class of institutions mentioned in the moving papers. We will suppose that a private individual is wealthy and benevolent enough to found and endow a private hospital. When complete the building and everything in it is his private property. No one is compelled by any law to go there or remain there, and the founder is under no legal obligation to receive patients. It is purely a private concern, and it is difficult to understand upon what legal ground the state can claim the right to inspect his books, or to make rules and regulations for the transaction of the business. There must be some limit to the power of government to interfere in purely private affairs; and what is true of a hospital is equally true of many of the other private institutions referred to in the moving papers. But when any of these institutions become, in any form or to any extent, the recipients or beneficiaries of public money as charity, there is a just and reasonable ground upon which the state may claim the right of visitation. And it is by the application of this principle that a charitable institution, as used in the Constitution, is to be defined and understood.

It was upon this principle that the decision in this case attempted to define what is and what is not a charitable institution. We are satisfied, upon further examination of the case, that the rule adopted is not only just and reasonable in itself, but it was the principle which the convention intended to engraft upon the Constitution, and this really presents the only disputed question of law in this case. The learned counsel for the relator do not assent to this construction. Their position to the contrary is distinctly stated in the moving papers in these words: "The main purpose and intention of the constitutional provisions and the statutory enactment are not so much to supervise the pecuniary affairs of institutions as to provide for an inspection of the management of the institutions and to see that the inmates are properly treated, and, if not, so to secure the correction through due proc-

ess of law of whatever abuses, evils or defects which may be found to exist." It is not very easy to see how the state can examine into the evils or correct the abuses in a purely private unincorporated institution to which no one could be sent, or in which no one can be detained by any law, and where the inmates may come and go at pleasure. If the framers of the Constitution had any such purpose in mind it is remarkable that no trace of it is to be found and no reference was made to it in the proceedings and debates upon those provisions of the Constitution relating to charities. The proceedings of the convention do not disclose any purpose to interfere with private institutions that were not in any form, or to any extent, the beneficiaries of public money. I refer, of course, to those private institutions that admit or care for children or adults without any compensation from the public and where the inmates are in the institutions solely by their own volition. If the inmates in these institutions are not properly treated they are not obliged to stay there or to go there. If they are detained there against their will the process of the courts is open to them to secure their enlargement or liberation. If a mere private institution is not properly managed in the opinion of the board of charities it would be difficult, I think, to point out any law which confers power upon the board to change the management. It is safe for the courts to assume that such institutions, depending on the patronage of the public, will be interested to merit it by such a management of their affairs as will commend them to the confidence of their patrons, and that if they fail to treat the inmates properly they will not go there voluntarily or remain when there. The perfect liberty of action which the inmates enjoy, and the prompting of self-interest on both sides, will regulate private charity without any governmental interference. There is nothing in the proceedings of the convention\* to warrant us in holding that there was any purpose to subject purely private institutions which cared for or maintained those indigent adults or children who voluntarily seek such places as homes or remain there voluntarily to state inspection or regulation. The purpose which the learned counsel for the relator now claim was in the mind of the convention is nowhere expressed in the proceedings of that body, and there was no public demand for any change in that respect.

On the contrary, the purpose of regulating the expenditure of public money for charity was stated and avowed by nearly every member that spoke on that subject, and in all the written records of that body. The article of the Constitution now under consideration was reported

from the committee on charities by the chairman, Mr. Lauterbach, on the 2d of August, 1894. It was accompanied by an elaborate report in writing, and it is only necessary to read it in order to ascertain the underlying purpose in view. When the convention was about to adjourn on the 29th of September, 1894, the president, Mr. Choate, delivered an address, which was evidently the result of reflection, if not of careful preparation. On the subject now under consideration he said:

There was another subject which deeply agitated the minds of the people of this state, and that was the application of public money in the way of private charity. By many who had not carefully examined the subject it was believed to be inherently an evil which could only be cured by cutting it out by the roots. We have, through our charities committee, most carefully examined that question, and I think we came to the conclusion that the system which the state had deliberately adopted and carefully followed now for more than twenty years, of employing the aid of honest, faithful, devoted private charitable institutions for the care of certain wards of the state that could not otherwise be as well cared for, ought not to be departed from; but, at the same time, there were abuses incident to the conduct of that mode of charity which at least there should be a stop put to, and we have deprived the legislature of the compulsory power in the matter. Hereafter, if this constitution is adopted, no subordinate division of the state can be compelled, by the central power of the state, to devote a dollar of its money, against its will, to any particular form of charity. Besides that we have secured the regulation of the state board of charities to this effect; that wherever any public money is devoted to a private charity for the public service it shall continue under public control, and the vigilant eye and the strong arm of the people shall be able to follow every dollar of the public money into every institution to which it is so devoted.

Before the adjournment, the convention appointed a committee to prepare a public address to the people in order to inform them before the election with respect to the purpose and scope of the changes made in the fundamental law. That committee was composed of some of the most prominent members of the convention, including the president. The question of charities was referred to in this address in the following language:

We have required the legislature to provide for free public schools in which all of the children of the state may be educated; and we have prohibited absolutely the use of public money in aid of sectarian schools. We have provided also for regulating and limiting the payment of public money to private institutions for the support of the poor by depriving the legislature

of the power to pass mandatory laws requiring such payments from counties, cities, towns and villages, and by subjecting such expenditures to the control of the State Board of Charities.

These statements from the highest and most authoritative sources indicate very clearly what the purpose of the convention was, and in the light of that purpose we may safely interpret the meaning of the language employed. The purpose was to safeguard the expenditure of public money for the support and maintenance of indigent persons in public or private institutions; and hence the language employed should be made subservient to that purpose. It is reasonable, therefore, to conclude that when the framers of the Constitution spoke of charitable institutions they intended to designate only such as were within the scope of the reform. So long as we give effect to the Constitution, according to the spirit and purpose in which it was framed by the convention and adopted by the people, it is safe to conclude that the decision rests on reasonable grounds.

There is no distinction, we think, between a charitable institution and an eleemosynary one. The two words are used interchangeably and express substantially the same idea. Nor do we think that the suggestion that the defendant, if not a charitable institution, is a reformatory or a correctional one, has any substantial foundation. The defendant is not a correctional or a reformatory institution, unless, indeed, in the same sense that the police department or the police courts are. Much emphasis is placed on the circumstance that the defendant, under a special statute, may be appointed guardian of a minor child. We assume that many trust companies and other corporations have been given the like capacity, but the fact that they possess such power does not prove or tend to prove that they are charitable institutions. It is said that this case is of great public importance, and in view of this suggestion we have carefully considered all that has been submitted in support of the motion, but we see no reason to change our views with respect to the proper decision of the case.

The motion for a reargument should, therefore, be denied, with ten dollars costs.

PARKER, CH. J., GRAY and BARTLETT, JJ., concur; HAIGHT, MARTIN and VANN, JJ., dissent from opinion, but concur in result upon the ground that there is no reason for a reargument.

Motion denied.

### 5. Grants to Sectarian Institutions under the Illinois Constitution<sup>1</sup>

The facts as determined by the pleadings, a stipulation of the parties and the evidence heard by the chancellor are as follows: The Chicago Industrial School for Girls was organized as a corporation under the act of the General Assembly of May 28, 1879, entitled "An act to aid industrial schools for girls." (*Laws of 1879*, p. 309.) It is managed and controlled by a board of directors, and maintained near Des Plaines, in Cook county, buildings, with ample grounds and equipment, to meet the requirements of the act. The buildings contain recreation halls, shower baths, class rooms, a music room and rooms for instruction in hand sewing and domestic science. The inmates are taught the usual school studies, and cooking, music, sewing, embroidery, crocheting, laundry work, general housework, and domestic work generally. The number of girls in the institution for the year 1915 between the ages of three and eighteen years was 534, and the average attendance of girls during the year was 356. A considerable number of the girls were committed to the school by the juvenile court of Cook county, and they each and all enjoyed the benefit of the care, instruction and attention afforded by the institution. There are eleven teachers or instructors who are sisters of mercy and who are paid \$16 a month, which goes into the common treasury of the religious order, and there are six other women instructors who belong to no religious order. The children committed to the school by the juvenile court are all children of Catholic parents and members of that church. The institution is under the control and management of the Roman Catholic church, and there is a priest who is chaplain and conducts religious services. There is a mother superior in general charge, and there is a chapel on the grounds where religious services according to the doctrines of the Roman Catholic church are held which all inmates are required to attend. The school has been receiving \$15 per month for each girl, which is less than the cost to the State for each girl committed to the State Training School for Girls at Geneva, a similar institution maintained by the State, where the cost is \$28.88 for each girl per month. The amount paid by Cook county is less than the cost of food, clothing, training, medical care and tuition furnished to the wards of the county outside of any religious instruction or religious services, and the balance above the amount paid by the county is made up by

<sup>1</sup> Extract from Opinion of the Court, *William H. Dunn, Appellee, v. The Chicago Industrial School for Girls et al.* (1917), 280 Illinois Reports 614-19.

donations, largely given by the archbishop. Each year the school has been given a certificate by the State Board of Charities, or its successor, the Board of Administration, that the school is competent and has adequate facilities to care for the children committed to its care by the juvenile court.

The substantial basis of the brief and argument for the appellee is that the payment of public funds to a school under church or sectarian control violates the constitution even when it is made in payment for clothing, board, education in the arts and sciences and training in the domestic sciences, and in the argument at the bar counsel contended that under the constitution no ward of the State can be committed to any institution where there are religious services or where religious doctrines are taught but all institutions to which they may be committed must be absolutely divorced from religion or religious teaching. This is a clear misapprehension of the attitude of the people toward religion expressed in the constitution. In the preamble expression is given to the gratitude of the people of the State for the religious liberty which they had been permitted to enjoy, and section 3 of the bill of rights provides:

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed. . . . No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

Section 3 of article 8 of the constitution, which particularly prohibits any preference to any religious denomination or mode of worship, is as follows:

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.

The people not only did not declare hostility to religion but regarded its teachings and practices as a public benefit which might be equal to the payment of taxes, and by section 3 of article 9 of the constitution provided that property used exclusively for religious purposes may be

exempted from the burden of taxation, and the General Assembly, by virtue of that provision, has declared such exemption. In harmony with the provision for the free exercise and enjoyment of religious freedom and worship, the General Assembly in the Juvenile Court act provided by section 17, that

the court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

Not only have the people, by the constitution and by their representatives in the General Assembly, recognized and provided for the enjoyment of religious liberty, but the court has not adopted any rule antagonistic thereto. In *Nichols v. School Directors*, 93 Ill. 61, the court said: "Religion and religious worship are not so placed under the ban of the constitution that they may not be allowed to become the recipients of any incidental benefit whatsoever from the public bodies or authorities of the State." In *Millard v. Board of Education*, 121 Ill. 297, where the authority of a board of education to lease the basement of a Catholic church and pay rent therefor was questioned and an injunction sought, the court said that if it became necessary for a board of education to procure a building to be used for school purposes it had a right to rent from any person who had property suitable for school purposes, and whether the owner of the property was a Methodist, a Presbyterian, a Roman Catholic or of any other denomination was a matter of no moment,—which is applicable to this case, where the care and education of girls as wards of the State are required and payment must be made therefor. In *Reichwald v. Catholic Bishop of Chicago*, 258 Ill. 44, in denying the right to an injunction to prevent the erection of a Roman Catholic chapel on the grounds of the county used as a poor farm, the court said that in return for the care given the body the State does not exact the surrender of all care for the soul; that the constitution does not prohibit the exercise of religion, but, on the contrary, provides that the free exercise and enjoyment of religious preference and worship, without discrimination, shall be forever guaranteed, and that the declaration of the constitution does not mean that religion is abolished. The whole religious world is divided into separate denominations distinguished from each other by peculiarities of faith and practice, and what the constitution prohibits is a preference given by law to any denomination or mode of worship or aid to any such denomination by an appropriation or payment from any public fund



whatever. The constitution guarantees absolute religious liberty, and no discrimination, in law, can be made between different religious creeds and forms of worship. (*Hoeffer v. Clogan*, 171 Ill. 462.) It would be contrary to the letter and spirit of the constitution to exclude from religious exercises the members of any denomination when the State assumes their control or to prevent the children of members from receiving the religious instruction which they would have received at home. The constitutional prohibition against furnishing aid or preference to any church or sect is to be rigidly enforced, but it is contrary to fact and reason to say that paying less than the actual cost of clothing, medical care and attention, education and training in useful arts and domestic sciences, is aiding the institution where such things are furnished.

Much reliance is placed upon the decision in a suit brought by the Chicago Industrial School for Girls against the county of Cook, in which it was held that payment to the school under the facts of the case would be a violation of the constitution. (*County of Cook v. Chicago Industrial School for Girls*, 125 Ill. 540.) At that time the corporation had no industrial school and had neither leased nor contracted for a building nor owned or acquired property of any kind. The girls committed to it were divided between the House of the Good Shepherd and St. Joseph's Orphan Asylum, and it was in no sense an industrial school for girls. The money received was divided between the sisters of St. Joseph and the sisters of the Good Shepherd. The court held that an industrial school had no power to relinquish the care and guardianship of girls committed to it or surrender them to another corporation; that it was not sufficient to have a charter and a formal organization, with no habitation and nothing more than a mere paper entity, but that the county was only required to make payment to the industrial school to which girls were committed and was not bound to pay an industrial school to which they were not committed. It did not then appear that such payment would not be an aid to the Catholic church or its sectarian purposes, and the payment for board was likened to the aid given to a merchant by a customer paying for his goods. If there were no difference, in fact, between the business of the boarding house or hotel keeper carried on for profit and this institution the decision in that case would apply, but upon the plainest grounds no aid is given to an industrial school where the payment is less than the actual cost, aside from and regardless of any religious instruction or religious exercise. It costs the State \$28.88 per month for each girl in a similar in-

stitution maintained by the State, and it is the State, and not the industrial school, that is benefited by the payment of less than the cost of food, clothing, medical care and attention and education and training in the useful arts and domestic science. Such payment does not violate any provision of the constitution.

#### 6. Subsidized Institutions in Pennsylvania and the Constitution<sup>1</sup>

Article III, section 18, of the Constitution of Pennsylvania provides: "No appropriation, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation or association."

The history of the development of social and political life in America shows a set purpose to divorce, absolutely, church and state: and this is the real underlying explanation of provisions like the one now before us, which appear, in one form or another, in the constitutions of many American commonwealths. The intent of these provisions was, and therefore still is, to forbid the state from giving, either directly or indirectly, any recognition to a religious sect or denomination, even in the fields of public charity and education; they in effect provide that, to serve charitable, educational or benevolent purposes, the money of the people shall not be put under denominational control or into sectarian hands, for administration or distribution, no matter how worthy the end in view.

It will be noted, the Constitution does not say merely that no appropriations shall be made for sectarian or denominational purposes, nor does it confine the limitation against state aid to these institutions which actually teach sectarian doctrines or promote denominational interests; what it provides is, that "no appropriation shall be made to any denominational or sectarian institution." These words, when taken at their face value, are most comprehensive in scope; they plainly forbid state aid to institutions affiliated with a particular religious sect or denomination, or which are under the control, domination or governing influence of any religious sect or denomination, the ordinary understanding of the phrase "sect or denomination" being a church, or body of persons in some way united for purposes of worship, who pro-

<sup>1</sup> Opinion of the Court, *Collins, Appellant, v. Kephart et al.* (1921), 271 Pennsylvania State Reports, 432-41.

whatever. The constitution guarantees absolute religious liberty, and no discrimination, in law, can be made between different religious creeds and forms of worship. (*Hoeffer v. Clogan*, 171 Ill. 462.) It would be contrary to the letter and spirit of the constitution to exclude from religious exercises the members of any denomination when the State assumes their control or to prevent the children of members from receiving the religious instruction which they would have received at home. The constitutional prohibition against furnishing aid or preference to any church or sect is to be rigidly enforced, but it is contrary to fact and reason to say that paying less than the actual cost of clothing, medical care and attention, education and training in useful arts and domestic sciences, is aiding the institution where such things are furnished.

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It will be noted, the Constitution does not say merely that no appropriations shall be made for sectarian or denominational purposes, nor does it confine the limitation against state aid to these institutions which actually teach sectarian doctrines or promote denominational interests; what it provides is, that "no appropriation shall be made to any denominational or sectarian institution." These words, when taken at their face value, are most comprehensive in scope; they plainly forbid state aid to institutions affiliated with a particular religious sect or denomination, or which are under the control, domination or governing influence of any religious sect or denomination, the ordinary understanding of the phrase "sect or denomination" being a church, or body of persons in some way united for purposes of worship, who pro-

<sup>1</sup> Opinion of the Court, *Collins, Appellant, v. Kephart et al.* (1921), 271 Pennsylvania State Reports, 432-41.

fess a common religious faith, and are distinguished from those composing other such bodies by a name of their own.

After studying and reflecting upon the carefully prepared opinions of the court below, the arguments of able counsel and the authorities cited, we have reached the deliberate conclusion that, when a charitable, benevolent or educational establishment is "denominational or sectarian" according to the meaning of this term as understood by the average man, even though the institution in question may bestow its benefits on others and permit those outside the ranks of the sect or denomination involved to take part in its management, it is none the less a sectarian or denominational institution, within the inhibition of the Constitution against state aid.

When simple words are used in writing the fundamental law, they must be read according to their plain, generally understood, or popular, meaning; with this thought in mind, we restate the provision under discussion: "No appropriation . . . shall be made for charitable, educational or benevolent purposes to . . . any denominational or sectarian institution." How could the definite thought that institutions, under denominational or sectarian tutelage, shall not receive state aid, be more simply expressed? We cannot doubt that the average voter, when he read these plain words, must have understood that no public moneys could be appropriated, lawfully, to institutions other than those entirely unconnected with any of the various religious sects or denominations; the law, being so written, must be enforced accordingly.

It appears from a table, printed in the paper-books of one of the appellants, which table is not challenged by any of the appellees, that no appropriations to sectarian institutions were attempted until the year 1881, when \$30,000 was set aside for that purpose. The table shows, with the exception of 1889, a steady increase of these appropriations, until 1919, when they reached the grand total of \$2,120,689. During this period two governors vetoed such appropriations, on the distinct ground that they breached the Constitution; but the majority of our executives have followed the construction placed on the fundamental law by the legislatures, permitting gifts of this kind to stand; and the claim is now made that, after all these years, we should do likewise.

The argument just stated does not appeal to us; long persistence in a breach of the Constitution neither warrants the course pursued nor gives it legality: *Kucker v. Sunlight, etc., Oil Co.*, 230 Pa. 528, 533.

The other two departments of government, in making and passing on appropriations of the character before us, generally consider questions of right and expediency alone, leaving constitutional points to the courts; but, when the latter come here for determination, our duty is plain, we must follow and enforce the organic law as written, suffer who may. . . .

All five cases here for review involve the same legal principles; but each of them presents its own facts, which require consideration. In this connection, before entering upon a brief discussion of the individual appeals, we take occasion to say that the trial court's findings, being the result of deductions from facts averred in written pleadings, do not possess the binding qualities of conclusion based on oral evidence: *Hindman's App.*, 85 Pa. 466, 470; *Milligan's App.*, 97 Pa. 525, 532; *Woodward v. Carson*, 208 Pa. 144, 145; *Com. Title Ins. & Trust Co. v. Seltzer*, 227 Pa. 410, 416.

The first appeal involved an appropriation to the Passavant Hospital of Pittsburgh, which was founded by the Reverend W. A. Passavant, some time prior to 1849. It appears that this establishment, and its property, is owned by a Pennsylvania corporation called "The Institution of Protestant Deaconesses," the charter of which provides:

That, as the persons composing the aforementioned society are members of the Evangelical Lutheran Church, and desire to remain unmolested in the free exercise of their religious faith and worship, it is hereby provided that no one shall be elected director or vice-director of the institution who is not a clergyman in good and regular standing in some one of the synods of said church in the United States.

This charter was amended in 1902 by the insertion of a provision that two of the hospital board might be laymen, but declaring that all members must belong to the Evangelical Lutheran Church. In the face of these charter provisions, it is idle to contend that defendant corporation is not a denominational or sectarian institution; but it appears that, in 1919, while the appropriation bill in controversy was in course of passage, defendant by duly formulated resolutions, created "a local board . . . with [alleged] legal power to conduct the Passavant Hospital," and it now contends that this board is a purely nonsectarian body, which may collect and expend the appropriation from the State.

The board in question consists of five men, of different religious faiths; but the resolutions creating it expressly provide that its authority shall in no wise conflict with the internal management of defendant corporation; that, when more than \$10,000 is to be expended,

the matter shall "first be submitted to the board of the Institution of Protestant Deaconesses for approval"; and that this latter board is to have the right, when in its judgment the interests of the hospital so require, to demand the resignation of any or all members of the local board.

It is quite apparent that the creation of the so-called local board represents simply an effort to make the Passavant Hospital appear as though it were not a denominational institution, and thus enable it to obtain state aid; but that which cannot be done directly the law will not permit to be accomplished by indirection, for such a course, when tolerated by the courts, only serves to bring the law into contempt. The appropriation under attack, having in fact been made to a sectarian and denominational institution, cannot stand in law.

The next appeal concerns an appropriation to St. Timothy's Memorial Hospital and House of Mercy, a Pennsylvania corporation located in Roxborough, Philadelphia. The charter of this institution provides that membership in the corporation shall consist, *inter alia*, of the rector, church warden and vestrymen, for the time being, of a certain Protestant Episcopal church, called St. Timothy's; that the business of the hospital shall be directed by fifteen managers, to be elected annually by the vestry of the church, of whom one shall always be the parish rector, who shall be warden of the hospital; that the nursing shall be done by sisters or deaconesses of the protestant church, or by other trained women. The charter also provides that in certain contingencies, "The Bishop for the time being of the Protestant Episcopal Church in the Diocese of Pennsylvania in which Philadelphia is situated," shall designate the manner of electing directors of the hospital. Since the date of the appropriation now under attack and the filing of the bill in this case, the name of defendant has been changed to the "Memorial Hospital of Roxborough, Philadelphia," and other efforts appear to have been made to separate the institution from the control of St. Timothy's church; but, of course, the facts must be treated as they were at the time the act under attack was approved. While all persons, without distinction of race, color or religion, are admitted to defendant hospital, yet there can be no doubt that it is a sectarian institution within the meaning of that term as used in the Constitution; therefore the appropriation to it fails in law.

We must now consider an appropriation to the Duquesne University of the Holy Ghost, named in the act as the Duquesne University of Pittsburgh, which is its popular designation; its charter purpose

is to support and maintain a college for the instruction of youth in all the branches of a thorough moral and secular education, including languages, the liberal arts and sciences, and to confer the usual scholastic degrees and to establish, maintain and conduct courses of instruction and to confer degrees in the sciences of law, medicine, dentistry and pharmacy.

Defendant's original charter name was "Pittsburgh Catholic College of the Holy Ghost," which, after undergoing another change, was altered in 1911 to its present title. The chancellor found that the words "Holy Ghost" were used, throughout these changes of title, "in recognition of the relation existing between said corporation and another distinct Catholic organization known as 'The Society of the Holy Ghost,' which in past years supplied most of the members of the faculty, and supported to a very large extent the undertakings of said corporation"; also that the word "Duquesne" was selected as the name of an early Catholic governor of the province in which Fort Duquesne was located.

It appears that religious ceremonies, according to the doctrines of the Roman Catholic Church, are conducted in this institution; but the students, many of whom are outside the Catholic faith, need not attend. In the high school department alone courses of instruction in the tenets of the Roman Catholic Church are given, which courses are elective; but the court found that no part of the money appropriated by the State is used to "maintain such courses of instruction." There is, however, nothing in the act, making the appropriation, which forbids spending the state's money on this or any other department of the institution. We can but conclude that the institution in question is sectarian and denominational, within the inhibition of the Constitution, and may not receive state aid.

Another appropriation attacked is to the Dubois Hospital Association, a Pennsylvania corporation, whose charter indicates no sectarian purpose; but the property occupied by this institution is owned and operated by another Pennsylvania corporation called the "Sisters of Mercy of Crawford and Erie Counties," which is named as the defendant, and which the court below very properly found to be a sectarian institution. The Sisters of Mercy operate the hospital under a contract with the first mentioned corporation. This writing provides that defendant shall "establish," operate and maintain a hospital; that it shall furnish the skilled services "necessary in conducting the hospital . . . , the expenses thereof to be defrayed out of or from the general funds of the hospital"; that defendant shall have full "executive man-



agement and control"; that the title to all property of the Dubois Hospital Association, and to any new property erected or acquired by the hospital, shall vest in defendant; and that defendant is to be the "sole custodian of the hospital funds." This contract also formally provides that the hospital shall be "nonsectarian," opening its doors to all alike without distinction as to creed, color or race; that defendant shall be "aided in all matters of moment" by the "advice and coöperation" of the "trustees of said hospital"; that defendant's books, "containing the accounts of the hospital funds," shall be "open to an auditing committee of the board of directors of such hospital"; and that the "board of trustees of said hospital association" shall have "supervising" control of the hospital, "subject, however, to the terms of this agreement"; but these provisions do not change the fact that the appropriation here in question is made to help what in substance is an institution under direct sectarian control.

We cannot but see that the arrangement before us is nothing more or less than a plan to evade the Constitution. No doubt the plan was honestly conceived, in the belief that it was permissible and would prove effective; but this makes it none the less a legal subterfuge. The pruning knife of the law eliminates all such devices, and lays bare the realities of the situation with which we must deal; these show the hospital named in the appropriation act to be under the control of a well known, much respected, religious order, and the state's money cannot be permitted to go through the agency of the hospital association to this sectarian institution, since it falls within the class to which the character of recognition is forbidden by the Constitution.

The last appropriation we must consider is to the Jewish Hospital Association of Philadelphia, a Pennsylvania corporation whose charter contains the following preamble:

Since there is no institution now in existence within the State of Pennsylvania under the control of Israelites wherein they can place their sick, and where these can enjoy during their illness all the benefits and consolations of our religion, we, the subscribers and our successors, associate ourselves, etc.

The defendant association, which owns the property occupied by, and controls what is popularly known as, the Jewish Hospital, is confined to persons of the "Jewish faith"; but neither the chief physician nor the chief nurse is a Jew. The great body of the patients are outside that faith, and none of them is obliged to attend religious ceremonies or worship of any kind. The fact remains, however, that this hos-

pital is a sectarian institution according to the sense in which that term is used in the Constitution.

The establishment under consideration is one of the noble contributions of the Israelites of Philadelphia to the cause of charity; but it falls within the broad meaning of the term "sectarian," as that word is understood by the people generally. The Jews are commonly believed to constitute a distinct religious body, or sect, and to all such bodies, Christian or otherwise, our organic law forbids the legislature to give recognition by the appropriation of public funds to their charitable, educational or benevolent institutions; hence this appropriation, like the others, must fall.

There can be no doubt that all the institutions at bar are worthy charities; but it is equally clear they are within the inhibited class, so far as state aid is concerned. We did not write the Constitution; but, whether agreeing with or dissenting from the rules of public policy there announced, our sworn duty is to enforce them. Those who adopted the restriction against appropriating money to sectarian institutions must change the rule, if desired, either through an amendment to the present Constitution or by making a new one; neither the legislature, acting alone, nor the courts have power so to do.

## **7. Principles Applicable to the Granting of Subsidies by the State to Private Organizations and Agencies<sup>1</sup>**

### **SUMMARY AND CONCLUSION**

It is probably unnecessary to add that the plan of restricting and controlling the further development of State appropriations to private agencies recommended in this report, is not presented as the only plan available in the circumstances. It is proposed as one sound plan whose application to the present situation would result in certain economies and increased efficiency in the use of State funds. Its details would have to be adjusted to the general scheme of State finance, and would, of course, be subject to such modification as experienced legislators would suggest, in the interest of simplicity, definiteness and certainty of Legislative action.

<sup>1</sup> Extract from "A Survey of the Fiscal Policies of the State Subsidies to Private Charitable Institutions by the Commonwealth of Pennsylvania," by Kenneth L. M. Pray, *A Report to the Citizens' Committee on the Finances of the State of Pennsylvania Appointed by Honorable Gifford Pinchot, December, 1922*, pp. 295-96.

Only three essential principles are insisted upon as necessary for the satisfactory handling of this problem:

1. *The Legislature should not designate appropriations to individual institutions, since such appropriations inevitably become more or less arbitrary, unscientific and inequitable; they open the way for harmful pressure and trading of political and personal interests and for the use of the appropriations as weapons in the control of other legislation;*

2. *The distribution of the funds among agencies of a given kind should be on an automatic basis, if possible; determined by fact, not discretion, and in accordance with the general rule which entitles all agencies, conforming to standards acceptable to the State, to compensation in proportion to the service they render to the State;*

3. *State funds should be expended only for service to those who are in actual need of State help, should be under the strictest control of the State, and should contribute to the development of a foresighted, well-planned and comprehensive system of welfare activities, covering the whole State.*

Any system that accomplishes these three purposes, whether it agrees in detail with the plan here proposed or not, would be a notable improvement over the present situation.

In the absence of such thorough-going change of policy, it remains for the Governor, in co-operation with the Commissioner of Public Welfare, to exercise the full authority of his office to bring the appropriation acts that carry his signature into reasonable accord with the general principle of *compensation for service*. By announcing his determination to approve for no agency an appropriation larger than the compensation it has earned, in the light of its reports, for service to actual patients unable to pay for that service, and by living up to that promise, the Governor of Pennsylvania would soon disarm and destroy unreasonable opposition to more thorough reforms. It is because present appropriations, however inequitable and indefensible, "get by" and become law, that greedy interests continue to cling to the discredited system now in vogue. If once the log-rolling, wire-pulling, blind, haphazard methods were to be brought to naught by vigorous executive action, so far as the executive authority could be made to reach, the hope of a return to the old régime would grow dim, and the united influence of those who seek only justice and fair play would soon perpetuate the new order through Legislative action.

### 8. Institutional Resistance to Supervision<sup>1</sup>

For several years in succession bills have been introduced in the Legislature seeking to extend the powers of the Board to include the inspection of all institutional activities of a charitable, eleemosynary, correctional and reformatory nature, but they have never been reported out of committee. These measures have had the support of poor law officials, charitable organizations, the State Commission to Examine laws relating to Child Welfare, and many institutions which would be affected by such legislation. They have been opposed by certain organizations which for varying reasons do not desire that the State shall visit or inspect or have any degree of authority over their activities.

Some of the opponents of this legislation claim to be entirely satisfied with their own activities and feel that they have nothing to learn or gain by the advice, counsel or cooperation of the State. They have even claimed that any such restoration of the State's powers would be akin to socialism or paternalism and that the next step would be the assumption by the State of the inspection of family homes. They therefore claim that they are moved to oppose such measures on the ground of protecting the world from its own destruction in this socialistic whirlpool. The absurdity of such a contention is so patent that a mere statement of it is sufficient refutation. That the restoration to the Board of the power it formerly exercised, namely, to visit and inspect all institutions which are caring for groups of helpless and dependent persons and to ascertain if such persons are receiving proper care, instruction and protection is going to involve the State in meshes of communism and bring destruction to organized society is without any foundation in reason.

The institutions whose representatives make these statements do not object to the inspection by the proper department of their barns and the conditions under which the cattle kept by the institution live. Nowhere is there reasonable objection to the proper supervision by the State of factories or shops relative to the working conditions found therein, to the State's supervisory powers over banks, insurance, and other material things, but the power of the State to visit and inspect the places where defenseless children are kept, sometimes for many years, is strenuously and constantly opposed. Other opponents of this

<sup>1</sup> Extract from *Fifty-ninth Annual Report of the State Board of Charities of the State of New York* (1925), pp. 5-6.

legislation have contented themselves with the citation of the Court of Appeals decision<sup>1</sup> and claim that any new legislation of this kind is unconstitutional.

The State Board of Charities is not in search of increased power for the sake of power. It has not initiated legislation to extend its powers without having first ascertained from many sources the justice and the necessity of such legislation. In this matter it now wishes to go on record as being in favor of and strongly urging the restoration of the power of the State to perform the duties which the framers of the Constitution intended should devolve upon it, and which that document permits.

No institution or organization in this State caring for the young, the aged, the sick or defective, according to reasonable standards of food, protection, education and medical care, need fear the visitation by the State. Its demands have not been unreasonable and its standards have not been impracticable. We have only to refer to the hundreds of institutions which are under the supervision of the Board to demonstrate the friendly relations which exist. The gradual elevation of standards of institutional life, and the fact that throughout the country the State of New York may easily be considered in the first rank with regard to its institutions, prove that the relation of the State to institutional activity is helpful and that the cooperation between the two makes for higher efficiency in the care of dependents. Such institutions as are averse to progress, to new ideas, or which are in the slough of self-contentment will naturally resent any outside association or suggestion that may disturb their equanimity or self-satisfaction.

<sup>1</sup> See Document 4.

## SECTION V

### INTRODUCTORY NOTE

Attention was called in the earlier sections to the general acceptance of the principle of parochial responsibility for the care and treatment of those in distress and to the local character of the criminal-law administration. The development of state agencies for certain purposes and the retarded condition of county and town administration have been brought out. The propriety of attempting to bring federal resources to bear on the subject was recognized in the early appeal by the schools for the deaf to the United States Congress and by Dorothea Dix's effort to secure federal lands for the care and treatment of the insane. The general acceptance of the doctrine laid down by Pierce in his veto of Miss Dix's bill has, however, relegated to state auspices the entire development, except so far as the United States Census and the United States Children's Bureau have supplied information and federal authorities in jurisdictions that have not arrived at the status of statehood may have offered suggestion or leadership. That the sources of destitution or other forms of distress found in the disorganization of industry or in the retarded condition of social and political life are national or possibly international in scope would probably be denied by no one; but the remedial measures must none the less find their origin in each of the forty-eight states. Concerted action, comprehensive and continuous treatment, are therefore substantially impossible of accomplishment, except to the extent to which agreement may be reached and supplementary effort supplied by the private society organized on a national or international scale.<sup>1</sup>

For the purpose of securing agreement the conference then becomes of great importance. This may be a permanent organization such as the National Conference of Social Work or the American Prison Association or the various state conferences, or it may be a temporary conference organized for a time to formulate and propose princi-

<sup>1</sup> The National Probation Association has its office at 370 Seventh Ave., New York City; the National Committee for Mental Hygiene, at 370 Seventh Ave., New York City; the American Association for Organizing Family Social Work and the Child Welfare League of America can be reached at 130 E. Twenty-second St., New York City. Attention might be directed to the organizations related to the National Conference as "affiliated groups."

ples of action in special fields of interest. The United States Children's Bureau has stimulated such conferences on the subject of general child-welfare standards,<sup>1</sup> juvenile-court standards,<sup>2</sup> illegitimacy,<sup>3</sup> and employment certificates;<sup>4</sup> and the New York Probation Commission has promoted conferences of probation officers and of different groups of judges,<sup>5</sup> in the state of New York.

A number of the papers presented at various meetings of the National Conference of Social Work, formerly known as the National Conference of Charities and Correction, have been included in the earlier sections. The Conference cannot, however, be studied without noting its connection with the early interest in the development of social science, and Document 1 of this section is selected to set out that relationship, while Document 2 gives the facts with reference to the setting up of the National Conference on an independent basis.<sup>6</sup>

With reference to the national organizations, no documents are given. Their place in the general situation is obvious, and in the annual reports of the public-welfare authorities reference is frequently made to their co-operation. The National Mental Hygiene Association is especially relied on as an agency for research in the field of mental diseases, providing a body of information from a wide geographic range assembled after a uniform method and therefore giving comparable data.

Attention should also be directed briefly to the work of the Uniform Law Commissioners. The model acts proposed for the control of child labor, regulating marriage and divorce and improving the status of the child born out of wedlock will interest students of public welfare.<sup>7</sup>

When these agencies for uniformity are examined in the light of the great diversity of organization<sup>8</sup> and when the cost is estimated,<sup>9</sup> it

<sup>1</sup> *U.S. Children's Bureau Pub. 60.*

<sup>2</sup> *Ibid.* 121.

<sup>3</sup> *Ibid.* 66, 75, 128.

<sup>4</sup> *Ibid.* 116.

<sup>5</sup> The annual reports of this Commission contain extremely interesting reports of these conferences. See, for example, 1924, pp. 53, 54.

<sup>6</sup> Document 7 in Sec. II of Part II is taken from the first session of the American Prison Association.

<sup>7</sup> *Proceedings of the Annual Meeting of the National Conference of Commissioners on Uniform State Laws.* Organized in 1892, they are known also as "state boards of commissioners for promoting uniformity of legislation in the United States."

<sup>8</sup> See above, Part II, Sec. I; Part III, Sec. I.

<sup>9</sup> The amount expended on charities by the states in 1922, estimated as 11 per cent of the total state expenditures, was approximately \$140,800,000 (*Annals of the American Academy of Political and Social Science*, CXIII [May, 1924], 8).

becomes evident that from the point of view of need the conditions in the country as a whole calling for the creation of central unifying and standardizing authorities are similar to those in the states that led to the creation of the state boards of charities.

There are no available comparable statistics<sup>1</sup> giving a continuous comprehensive view of the situation; there are great diversities of practice, and consequently great inequalities in the economy with which the taxpayer's money is expended and differences in the skill with which social ills are treated. Some communities are therefore compelled to expend very large sums in treatment of ills for which they are in no wise responsible; there is unevenness in the rate at which agencies and institutions develop and consequent waste of state resources.<sup>2</sup>

When, however, the development of a national, that is, a federal organization, is proposed, two objections are met: (1) that of constitutional limitations,<sup>3</sup> and (2) the danger of a bureaucratic stifling of state or local initiative.

The subject of the constitutional limitations has been widely discussed in connection with the attempt to secure a national minimum in the protection of working children,<sup>4</sup> and in the extension of the use of the "grant-in-aid" or the policy of sharing the costs with the states for certain specified purposes. This latter plan has been that followed in the recent co-operation between the federal and state governments<sup>5</sup> in education, rehabilitation of veterans of the Great War, and the promotion of maternity and infancy care.<sup>6</sup>

The power of Congress in the educational field has not been seriously questioned. As to the infancy and maternity protection, the United States court refused to take jurisdiction in the actions brought.<sup>7</sup>

<sup>1</sup>See Documents 4, 5, and 9.

<sup>2</sup>The subject of prison industry illustrates this lack, and reference should be made to Documents 6, 7, and 8 of Sec. VII in Part II.

<sup>3</sup>"A Debate on the Subject of a National Department of Public Welfare," *Journal of Social Forces*, II, 377.

<sup>4</sup>*Hammer v. Dagenhart*, 247 U.S. 251; *Bailey v. Drexel Furniture Company*, 259 U.S. 20; *U.S. Children's Bureau Pub. 78, The Administration of the First Federal Child Labor Law*, also *ibid.* 146, *The Administration of the Maternity and Infancy Act*; *Twelfth Annual Report of the Chief of the Children's Bureau* (1924), p. 7.

<sup>5</sup>See *U.S. Statutes at Large*, 12:503, 24:44, 26:417, 34:1281. In the early acts no provision was included looking toward central control. Reporting to the heads of institutions was the only method of securing uniformity. See also *ibid.*, 39:929.

<sup>6</sup>*Ibid.*, 42:224; *U.S. Children's Bureau Pub. 146*.

<sup>7</sup>See Document 3.



That the bureaucratic stifling of local initiative is certainly not necessary is shown by the administration of the Federal Child Labor, and Maternity and Infancy Acts. Document 6 gives pictures of stimulated activity, of sympathetic co-operation, and of variety of treatment that should convince the most incredulous of the possibility of fine national service eventually resulting in a minimum of skill and activity on the part of the state.

Such relationships as these are, however, quite different from those proposed in certain measures looking to the creation of a Department of Welfare in the federal government.

During the presidential campaign in 1920, Mr. Harding announced the creation of such a department as an item in his program,<sup>1</sup> and several measures were later introduced both in the House and in the Senate. The bill quoted,<sup>2</sup> like all the bills introduced in either House, contemplated simply the rearrangement under one administrative division of certain "bureaux, offices, and branches of the public service."

Whether such rearrangements will bring about a more economical use of federal resources and a greater efficiency in the federal service is a matter on which no positive word can be spoken. To the extent to which they ignore the organic relationships that have been built up, and manifest a lack of a "sense of history," they will lead to waste and loss, and they obviously lack all purpose to make good the deficiency growing out of the fragmentary, isolated character that must weaken the public-welfare activities so long as they are regarded as exclusively matters of state jurisdiction. The series closes, therefore, not with one of the recent proposals so divorced from actual need but with a modest plea put a number of years ago for a federal bureau that would at least supply the basic data on which alone a comprehensive, developing plan can be framed.

<sup>1</sup> See Document 8.

<sup>2</sup> See Document 7. See also Senate Bill 4782, (Sixty-fifth Congress, 1st sess.); H.R. 5837 (Sixty-seventh Congress, 1st sess.); Senate Bill 408 (Sixty-seventh Congress, 1st sess.); Senate Bill 1607 (Sixty-seventh Congress, 1st sess.); Senate Bill 4278 (Sixty-seventh Congress, 4th sess.). See also Lloyd M. Short, *The Development of National Administrative Organization in the United States*.

## A NATIONAL PROGRAM AND PROPOSALS FOR A FEDERAL DEPARTMENT OF PUBLIC WELFARE

### 1. Historical Sketch of Social Science<sup>1</sup>

In the autumn of 1856, the late Lord Brougham, who had special qualifications for the place as the tried head of the Society for the Amendment of the Law, was invited to take the lead in founding an association, intended to unite all those engaged in efforts for the moral and material improvement of the British people. He assented readily, but owing to various causes, the plan of the originators of the movement could not be matured until July, 1857. In the latter part of that month, a private meeting was held in London at the residence of Lord Brougham, to consider according to the call, the best means of bringing about a union of those interested in social progress. Forty-three persons were present. The meeting resulted in the adoption of a resolution, affirming the necessity of a closer union among the supporters of the different efforts for social advancement, and pronouncing for the establishment of the National Association for the Promotion of Social Science. A committee was appointed to give effect to the resolution, and immediately commenced its labors under the chairmanship of Lord Brougham.

The founders of the Association were impressed with the idea that, in order to induce the widest possible interchange of opinion, experience and information, both a priori reasoners and practical reformers should be included in its organization. It was their purpose to accept aid from all quarters, without reference to classes or opinions; to elicit truth without propounding dogmas, and to maintain the most absolute freedom of opinion. With this view, the work proposed for the Association was divided into five departments, viz.: Law Amendment, Education, Prevention and Repression of Crime, Public Health and Social Economy, which division has been preserved to this day. Competent persons were invited to prepare papers and reports, expressing their opinions and embodying their experience upon subjects within the scope of the

<sup>1</sup> Extract of paper by Henry Villard, *Journal of Social Science*, I (June, 1869),

five departments, and to read them at public meetings of the Association. This plan of operation has been adhered to in the main ever since.

The invitations of the Organizing Committee to persons throughout Great Britain, to participate in the labors of the Association, met with such hearty responses, that a first general meeting could be convened in the fall of 1857. It was opened at Birmingham on October 12th, and continued for five days. The organization was perfected by the formal adoption of a constitution and the election of a permanent set of officers, of whom Lord Brougham was chosen chief by acclamation. The proceedings were of a very attractive character, and showed the deep interest already developed in the objects of the Association. They were opened with an address by Lord Brougham, in which he dwelled with great thoroughness and eloquence upon the task of the new Society, and upon the benefits he expected to result from its labors. Papers were read on the different days of the session upon topics relating to Education, Public Health, Social Economy, and Law Reform, by Lord Stanley, Lord John Russell, Sir J. S. Pakington, Sir B. C. Brodie, Thomas Hare, G. W. Hastings, Miss Carpenter, and other high authorities. The meeting was a success in every respect, attracted general attention, and served to establish the Association on an enduring basis.

Since that time, the British Association has not only lived, but from year to year has gained numerical and intellectual strength. True to its original purpose of promoting social reforms by scientific inquiry, it has pursued a career of unquestionable usefulness in spite of certain defects in its management, and of the doubts raised in many quarters as to its capacity for good. Its annual meetings, held successively in the leading cities of England, Ireland and Scotland, spread the principles of Social Science, and stimulated investigation of the facts, on which they are founded, among all classes. Branches of the Association were by degrees established in a number of the large towns of England, and more than eighty associations, following special objects, and scattered throughout the United Kingdom, became affiliated with it. That the Association has had a salutary influence upon government and society, is an admitted fact. Better municipal administration, especially in a sanitary respect, in many cities and towns; more intelligent dispensation of public and private charity; marked improvements in popular education; greater attention to economic sciences at the universities, and the inauguration of certain wholesome reforms by Parliament, may be mentioned among the results obtained.

Nor has the influence of the Association been confined to Great Britain. It soon became a general centre of social information, commanded the sympathies and secured the co-operation of many leading minds on the continent. Its printed transactions, now grown into an imposing array of volumes, justly rank among the most valuable publications of our times, and have been so regarded by thinkers and reformers in all civilized countries. The contents of these volumes have had no little weight, indeed, in directing the process of social and political reorganization, progressing of late years in the principal States of Europe.

Not the least auspicious effect of the steady and extended pursuit of Social Science in Great Britain, was the incitement to similar efforts on the continent. Several distinguished economists of France and Belgium, among them, M. M. Michel Chevalier, Garnier Pagès, Corr-Vander Maeren and Desmarest, attended the fifth annual meeting of the British Association at Dublin. They were so much struck with the proceedings, that they conceived the idea of starting an international organization, by which the truths of Social Science might be propagated throughout the other countries of Europe. After due consultation, they agreed upon the proposition of M. Corr-Vander Maeren, that the capital of Belgium, as the freest and most accessible of continental States, should become the seat of the projected society. The task of initiating the new organization was entrusted to M. Corr-Vander Maeren, whose position as Judge of the Tribunal of Commerce at Bruxelles, and former experience as the founder of several economic associations, especially qualified him for the work. Immediately after his return to Bruxelles, he organized a local committee, consisting of the most eminent men of the kingdom. The Committee prepared a constitution and by-laws, similar to those of the British Association, and in May, 1862, issued a circular to persons throughout the continent, asking their co-operation, and inviting them to attend the first international congress for the promotion of Social Science, to be convened at Bruxelles in the month of September of the same year. In order to insure the success of the first meeting, three members of the Committee were chosen as delegates to attend the sixth annual meeting of the British Association, and familiarize themselves more thoroughly with the work of that body. A resolution was passed on the part of the latter, assuring the "Association internationale pour le progrès des Sciences Sociales," of its active sympathy.

The international congress met on September 22d, of the year

named, and remained in session four days, under the presidency of the Mayor of Bruxelles. Representatives of Belgium, Holland, Great Britain, France, Germany, Italy, Russia, Switzerland, and the United States, were present. The division of labor agreed upon by the Committee of Organization, and adopted by the congress, differed from the British plan. The number of departments was the same, but they covered a somewhat different ground, viz.: 1st, Comparative Legislation; 2d, Education; 3d, Art and Literature; 4th, Charities and Public Health; 5th Political Economy, including taxation, finances, commerce, industry and agriculture. As in Great Britain public meetings and the publication of the transactions were adopted as the practical means of pursuing the objects of the Association, and another added in the form of pecuniary prizes to be offered for essays on given subjects. The proceedings also varied from the British model. Few papers were read, and most of the time was devoted to the discussion of a number of questions in each of the departments, proposed by the Organizing Committee. The discussions were of an elevated character, and conducted in a fair spirit; but nevertheless, the preponderance of this element in the proceedings made the session less fruitful of substantial results, than it would have been, had the example of the British Association been more closely followed.

The second congress of the International Association was held in September, 1863, at Ghent, under the presidency of M. Vervoort, presiding officer of the lower house of the Belgium legislative assembly. It was as numerously attended as the first by representatives of different nationalities. The proceedings extended over a whole week. The mode of proceeding was the same as at Bruxelles. Certain questions were proposed in the several departments, and elaborately discussed in separate meetings. The danger of violent clashings of opinion, with which discussions of this kind are necessarily always attended, was not altogether avoided during the session, but fortunately no serious discords were developed. Other annual meetings have since taken place.

Considering the obstacles, presented by the differences of language and national condition, as well as the complexity of social interests in the continental States, it would have been too much to expect the organization in question to do for all the countries represented within it, what the British Association has done for Great Britain alone. The International Association was intended to be a channel of exchange of thought and experience, rather than an instrument of direct action, and this useful function it has fulfilled to a great extent.

It must not be supposed that the International Association represents the totality of the efforts made up to this time on the Continent in the field of Social Science. In France, in Germany and in other countries, societies have existed for years, and pursued the search for and application of social truths in special directions, with great assiduity. Of these, the most active are the French and German, and among them the Société d'Economie Politique of Paris, and the Volkswirtschaftliche Verein (Economic Society), are the most successful. True these bodies touch upon but parts of Social Science, but what with the growing solidarity of the material and moral interests of all civilized nations, and the natural tendency of inquirers into social questions, to extend the range of their investigations, their labors are continually widening. Efforts have been making in France for some time, to organize a Social Science Association according to the British prototype, and have failed so far, only in consequence of obstacles interposed by the Government.

The American Association was founded in the autumn of 1865. Three years having been spent in preliminary efforts, which met with all the encouragement that could have been expected, it was decided by the Executive Committee to perfect the organization and extend the work of the Association. This is now in course of execution.

## 2. The Origin of the National Conference of Social Work<sup>1</sup>

In accordance with an invitation extended to the Boards of Public Charities in the States of New York, Pennsylvania, Illinois, Massachusetts, Michigan, Wisconsin, Connecticut, Rhode Island, and Kansas, a Conference of these Boards was held on May 20, at 10 A.M. At first, only delegates of these Boards and members of the Executive Committee of the Association were present; but after the organization, on motion of Dr. Bishop, the reporters were admitted, and members of the Association or others having experience in the matters discussed were invited to take part in the Conference. Hon. J. V. L. Pruyn, President of the New York Board, was appointed Chairman, and F. B. Sanborn, Delegate from the Massachusetts Board, was chosen Secretary. There were also present from the New York Board, Dr. Nathan Bishop, of New York; William P. Letchworth, Esq., of Buffalo; Hon.

<sup>1</sup> Extract from "Conference of Boards of Public Charities, Held at New York, May 20 and 22, 1874," *Journal of Social Science*, VI (July, 1874), 61, 87. See above, Part II, Sec. 1, Document 11, p. 281, n. 1.

Samuel F. Miller, of Delaware County, and Dr. Charles S. Hoyt, of Albany, the Secretary. The State Board of Wisconsin was represented by Hon. Henry H. Giles, the President, and Mrs. W. P. Lynde, a member of the Wisconsin Board of Charities; and Connecticut by Mrs. Mariette E. Pettee, Secretary of the State Board of Connecticut. A dispatch was received from George L. Harrison, Esq., of Philadelphia, President of the Pennsylvania Board, announcing that a recent domestic affliction would prevent his attendance.

Letters were read from the Boards of Rhode Island, Pennsylvania, Michigan, and Kansas. The city Board of New York, which had been invited, was occupied with a public investigation during the sessions of the Conference, and was not represented therein; but gentlemen representing the State Charities Aid Association and the Bureau of Charities in New York City were present. . . .

#### REPORTS OF COMMITTEES

During the first session of the Conference a committee was appointed, consisting of F. B. Sanborn, of Massachusetts, W. P. Letchworth, of New York, and Henry H. Giles, of Wisconsin, to report a plan for the Uniformity of Statistics, and a better co-operation among the Boards of Charities throughout the United States. At the second session, on Friday, May 22, this committee made a preliminary report, to the effect that it was desirable to have the statistics of pauperism, crime, insanity, and the other topics discussed in the board's reports, made as completely as possible upon a uniform plan, and include a general statement of all the facts for the whole State in which the report is published, and asked further time to prepare a form for use by the different boards. It was also reported that a plan for better co-operation between boards could not be prepared without some correspondence with all the boards, and further time was asked for, which was granted. It was stated that a conference in the spring of 1875, at Buffalo or Detroit, had been proposed, and would probably be called. Dr. Bishop, for the Committee on Public Buildings for the Poor, the Insane, etc., made a preliminary report setting forth the present evils of extravagant architecture, and asking time for the preparation of a more complete report, which was voted. It was also voted that the Chair appoint a committee of five to consider the condition of destitute and delinquent children, and the prevention of pauperism.

### 3. The Constitutionality of the Maternity and Infancy Act<sup>1</sup>

The functions of government under our system are apportioned. To the legislative department has been committed the duty of making laws; to the executive the duty of executing them; and to the judiciary the duty of interpreting and applying them in cases properly brought before the courts. The general rule is that neither department may invade the province of the other and neither may control, direct or restrain the action of the other. We are not now speaking of the merely ministerial duties of officials. *Gaines v. Thompson*, 7 Wall. 347. We have no power *per se* to review and annul acts of Congress on the ground that they are unconstitutional. That question may be considered only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act. Then the power exercised is that of ascertaining and declaring the law applicable to the controversy. It amounts to little more than the negative power to disregard an unconstitutional enactment, which otherwise would stand in the way of the enforcement of a legal right. The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally. If a case for preventive relief be presented, the court enjoins, in effect, not the execution of the statute, but the acts of the official, the statute notwithstanding. Here the parties plaintiff have no such case. Looking through forms of words to the substance of their complaint, it is merely that officials of the executive department of the government are executing and will execute an act of Congress asserted to be unconstitutional; and this we are asked to prevent. To do so would be not to decide a judicial controversy, but to assume a position of authority over the governmental acts of another and co-equal department, an authority which plainly we do not possess.

### 4. The Need for Uniform Statistics<sup>2</sup>

Progress has been made on a plan for uniform reporting of juvenile-court statistics. Study of published and unpublished court reports has shown that no general agreement exists with reference to terminology,

<sup>1</sup> Extract from Opinion of the Court, *Massachusetts v. Mellon*, 262 U.S. 488.

<sup>2</sup> Extract from *Thirteenth Annual Report of the Chief of the Children's Bureau, Fiscal Year Ended June 30, 1925*, p. 20.



unit of tabulation, or methods of presentation. A set of simple tables with instructions for their preparation and forms for statistical cards have been prepared and will be published and distributed to courts willing to co-operate by annually filling out these tables or the cards from which they can be compiled. The tables will show for each co-operating court the total number of cases of delinquency and of dependency and neglect disposed of during a year, the number of cases in which the children had been previously dealt with by the court, the nature of the complaint, the method of care pending hearing or disposition of case, the manner of dealing with the cases (whether through formal court action or informal adjustment), and the types of disposition made (for example, placement on probation or under supervision, commitment to institutions or agencies). The number of different children dealt with will also be shown, and certain social facts such as sex, race, age, parental condition, employment of mother, and whereabouts of the children. Data concerning the number of probation cases, length of time on probation, and reason for discharge from probation will be included. It is hoped that through this plan a beginning may be made in the collection of statistics of delinquency and dependency as dealt with by courts, which may eventually extend over the entire country.

### 5. The Prospect of Better Statistics<sup>1</sup>

Several factors contribute to the difficulty of securing a satisfactory census of dependents and delinquents.

Perhaps the most fundamental of these is the lack among institutions and agencies of comprehensive and uniform records and statistics. This is true both of the institutions for juvenile delinquents and, to an even greater degree, of the multitude of organizations for dependent and neglected children.

Special institutions for juvenile delinquents are, as a rule, State institutions, and they usually have clerical service and are able to supply readily at least certain minimum data concerning their inmates, while a number of them have very detailed social histories. The best of the institutions and societies for dependent and neglected children probably surpass most of those for delinquents in the quality of their records and statistics, but this is not generally the case, and the group as a whole presents many more difficulties to the census taker. The total number of such organizations is vastly larger and many of them

<sup>1</sup> Extract from *Children under Institutional Care*, 1923 (U.S. Department of Commerce, Bureau of the Census, 1927), pp. 11-13.

are relatively small and unequipped with the clerical service needed for assembling and recording social data. Since relatively few are under State management, the majority being under the auspices of religious, fraternal, or non-sectarian groups, or of county or city officials, it is more difficult to impose State regulations concerning records and reports, although where State supervision is well established much has been accomplished in promoting minimum standards of records and statistics in such organizations as are subject to State control. Yet, notwithstanding the progress that has been made by many States and individual organizations, in general it must be said that the social data concerning dependent or neglected and delinquent children, for the country at large, are meager, unstandardized, and difficult to assemble.

While every effort was made to check any returns which seemed questionable, and while organizations and individuals on the whole co-operated generously, it is inevitable that there should be omissions and differences of interpretation which greatly restrict the value of the material for the purposes of fine analyses and comparisons.

It should also be pointed out that although an effort has been made in each decade since 1850<sup>1</sup> to take some account of the dependent and delinquent population, the difficulties of securing dependable returns have been so great that the tendency has been to cover those segments of the field from which the most satisfactory returns could be secured and to eliminate those which presented serious obstacles, with the result that no census has ever measured the total magnitude of dependency and delinquency. . . .

Another obstacle to securing an accurate census of dependency and delinquency is the difficulty of eliminating duplicates . . . although the registration systems of some State boards and the social service exchanges of the larger cities may in time afford a solution.

In the main, responsibility for improving the national index of social problems rests not so much with the Census Bureau as with the public and its representatives, the directors and executives of institutions, and agencies organized to study and ameliorate these problems. There are some signs of a quickening interest in this question and there are a number of factors which should make for definite and continuous

<sup>1</sup> See previous census reports, especially those on *Benevolent Institutions* and *Prisoners and Juvenile Delinquents* for 1904 and 1910, for statements of methods followed and ground covered since 1850. [See also *Prisoners*, 1923 (Bureau of the Census, 1926), p. 6, n. 6.]

improvement in national statistics of dependency and delinquency. Important among these are:

A growing number of responsible State boards of charities and correction and departments of public welfare through which co-operation in standardizing and compiling statistics may be looked for.

An increasing interest on the part of individual institutions and agencies in improved records and statistics.

The influence of local community chests and financial federations and of certain unofficial national organizations in standardizing records and reports.

The facilities offered by the permanent staff of the Children's Bureau of the United States Department of Labor for giving unity, purpose, and direction to statistical reporting in co-operation with local, State, and national organizations.

It is believed that, with adequate advance planning, many existing national and State organizations could be enlisted in gathering census material in a way that would not only greatly facilitate the work of the Census Bureau but insure more accurate and uniform returns. With the registration facilities now existing or being developed in certain States, counties, and cities, it does not seem fanciful to expect that there may in time be developed a method of measuring dependency and delinquency analogous to the registration-area plan in the field of vital statistics, although the task would be vastly more complex.

## **6. The Federal Authority Stimulates State Activity**

### **A. FIRST FEDERAL CHILD-LABOR LAW<sup>1</sup>**

#### **DESIGNATION OF STATES UNDER SECTION 5 OF THE ACT**

To avoid the expense and inconvenience to the child, the employer, and the Government of a double certificating system it was important that, so far as the State laws and administrative practices made it possible, State certificates should be accepted for the purposes of the Federal act. In a number of States, radical amendment of the State law was necessary before a reasonably satisfactory certificating system could be assured. As many legislatures were in session in 1917 which would not meet again until 1919, it was felt to be important to call the attention of the States to the advantages of a common State and Fed-

<sup>1</sup> Extract from "Administration of the First Federal Child-Labor Law," *U.S. Children's Bureau Bulletin No. 78* (Washington, 1921), pp. 16-21.

eral standard in the issuing of certificates. Before the adoption of the rules and regulations, therefore, a letter was sent to the governors of the various States calling attention to the provisions of the Federal child-labor act and the desire of those charged with its administration to prevent the confusion of a double certificating system. The letter made two alternative suggestions, either of which it was said would lead to the designation of the State by the board. These suggestions were:

First. That the legislatures of the several States consider the advisability of constituting a board of State officials similar to the Federal Child-Labor Board, or of designating an appropriate State official with general power to make rules and regulations respecting proofs of age under the State child-labor laws, in order to secure conformity to the Federal child-labor law and the rules and regulations thereunder; or

Second. If any State does not desire to grant the administrative power recommended above, that its legislature be asked to enact in lieu thereof the following requirements for proof of age which indicate the limit of probable regulatory requirements by the board. [Here follow the list of proofs of age now familiar to those who deal with the process of certification: namely birth certificate, baptism certificate, Bible record, certificate signed by two physicians.]

The first suggestion—an elastic clause, empowering an administrative board or officer to change requirements as the Federal requirements changed—was little known in State legislation, but precedents for it existed in legislation which had been passed in California, New Jersey, Oklahoma, and Virginia, providing that State standards as to what constitutes adulteration, etc., should follow the standards fixed by the Department of Agriculture in its administration of the Federal pure food law. This suggestion of the board for a flexible law with reference to the proof of age for work permits was adopted in Arkansas, Kansas, and Vermont, in 1917.

During the same year, State laws in Illinois and Tennessee were amended so that evidence of age was required substantially as recommended by the board, and the whole system of certificating was much improved.

The regulation finally adopted by the board with reference to designation of States was as follows:

*Regulation 3—Authorization of acceptance of State certificates.*—States in which the age, employment, or working certificates, permits, or papers are issued under State authority substantially in accord with the requirements of the act and with regulation 2, hercof, may be designated, in accordance

with section 5 of the act, as States in which certificates issued under State authority shall have the same force and effect as those issued under the direct authority of this act, except as individual certificates may be suspended or revoked in accordance with regulations 4 and 8. Certificates in States so designated shall have this force and effect for the period of time specified by the board, unless in the judgment of the board the withdrawal of such authorization at an earlier date seems desirable for the effective administration of the act. Certificates requiring conditions or restrictions additional to those required by the Federal act or by the rules and regulations shall not be deemed to be inconsistent with the act.

In accordance with this regulation the following 39 States and the District of Columbia were designated on August 15 by the board, the designation to take effect on September 1, for a six-months period:

Alabama	Indiana	Missouri	Pennsylvania
Arizona	Iowa	Montana	Rhode Island
Arkansas	Kansas	Nebraska	Tennessee
California	Kentucky	New Hampshire	Texas
Colorado	Louisiana	New Jersey	Utah
Connecticut	Maine	New York	Vermont
Delaware	Maryland	North Dakota	Virginia
Dist. of Columbia	Massachusetts	Ohio	Washington
Florida	Michigan	Oklahoma	West Virginia
Illinois	Minnesota	Oregon	Wisconsin

These States could be roughly classified as follows:

1. Those in which the evidence of age required by the State law and accepted in practice in the issuing of certificates met or exceeded the Federal standards.

2. Those in which satisfactory evidence was required by the statute, but the law was generally disregarded and quite unsatisfactory evidence of age was accepted in practice by the local certificate-issuing officers.

3. Those in which satisfactory evidence was required by the statute, but the statute was variously interpreted and administered in different parts of the State.

4. Those in which the evidence of age required by the State statute did not meet the standards laid down by the Federal act, but discretion was lodged in the administrative officers, so that they could if they so desired raise the local standards.

Letters were sent to the State departments of education and of factory inspection explaining regulations 2 and 3, the apparent difficulties in the local situation, and the basis on which the designation had been made by the board. Through personal visits, conferences with State officials, and local inspections, attempts were made to assist in those adjustments in the State practices which were necessary if the certificating was to be left largely in the hands of State officers and at the same time an approximately uniform enforcement of the Federal law insured. It was recognized that while this could not be accomplished at once, progress toward this end was necessary and possible.

On March 1, 1918, the designation of all these States expired. At this time 13 States—

Connecticut	Oregon	New Jersey
New York	Rhode Island	Ohio
Maryland	Maine	Pennsylvania
Kansas	Massachusetts	Wisconsin
New Hampshire		

were redesignated for a period of 12 months; and 22 States and the District of Columbia—

Alabama	Louisiana	Vermont
Arkansas	Minnesota	Arizona
Colorado	Montana	California
Dist. of Columbia	North Dakota	Delaware
Illinois	Tennessee	Florida
Iowa	Washington	Kentucky
Michigan	Missouri	Nebraska
Utah	Oklahoma	

were redesignated for a period of 6 months.

The redesignation of Virginia and West Virginia was limited to a period of three months.

The evidence of age required by the Virginia law was below the Federal standard, and the certificates were issued by notaries public. The latter were entirely out of touch with schools and had no training for, or interest in, the administering of a child-labor law, except those notaries who were regularly employed by a manufacturing establishment to issue certificates for children employed in the factory. It was to be expected that under such a system results would be entirely unsatisfactory. Investigations and inspections made in Virginia showed that the notaries were making a general practice of issuing when the only proof of age presented was a parent's affidavit, although docu-

mentary evidence required by law was easily obtainable. At the time when the first designation of six months expired (Mar. 1, 1918), legislation was pending which if passed would have made it possible to continue to accept the Virginia certificates. The measure finally adopted required better proof of age, but the issuing of the certificates was still left to the notaries public. It was therefore considered necessary to begin the issuance of Federal certificates in Virginia.

The question of the redesignation of Indiana and West Virginia was pending at the time the law was declared unconstitutional.

As the inspection reports show, States were redesignated for 12 months in which the administrative practices in certain sections of the State were far from satisfactory. The principal difficulty in deciding as to the designation of many of the States was that the certificating was done well in one town and very poorly in another. In a few States—for example, Connecticut, New Hampshire, and Wisconsin—the work was under State control; but in most States the authority to issue certificates was given to the local superintendent of schools. The work requires careful attention to administrative details. This kind of attention, as the inspections made clearly show, will usually not be given by busy school or other local officers unless the value of it is clearly and frequently indicated by State officers. Supervision has been specifically provided for in the statutes of only a very few States. Many of the laws, however, have given to State superintendents or commissioners of education, or to State labor boards, or some similar public authority, the power to prepare the forms to be used by local officers, or required that reports of certificates issued and refused shall be made to the State labor department. Even without a specific grant of supervisory authority, much could be done—and in some States the Federal inspectors found that much was being done—by the State superintendents or factory inspectors to bring the examination of the children for their working papers up to the standard.

The conditions which the inspections in Ohio revealed are typical of a very large proportion of the States. In that State and in a number of others, there were provisions in the law which could have been made the basis for bringing local conditions up to standard. These provisions were the requirement that reports on all certificates should be filed with the department of factory inspection, or that forms, etc., should be prescribed by the State superintendent of education. But in general this power was not used, and local communities had been allowed to continue practices which were in violation of the law.

While absolute uniformity was not necessary and perhaps not desirable, still if the certificates of every city and town in a certain State, or of no city or town in that State, were to be accepted for the purposes of the Federal act, it was essential that at least a certain minimum administrative standard should be followed throughout the State.

## B. PROMOTION OF THE WELFARE AND HYGIENE OF MATERNITY AND INFANCY<sup>1</sup>

### FEDERAL STAFF

For the administration of the maternity and infancy act the United States Children's Bureau added to its already existing six major divisions a division of maternity and infant hygiene. The staff of this division has consisted of a director and associate director, both of whom are physicians, a public-health nurse, an accountant, a secretary, and a stenographer. For a part of the year two additional physicians and one social worker were added to the staff to conduct research and to aid in consultation work.

The director and associate director have not only performed the various duties involved in the administration of a central office but at least once during the year either the director or the associate director has visited each State co-operating under the act.

The public-health nurse visits the State supervisors of nurses in an advisory capacity and observes field work in rural districts bringing to each State the experience of the others. She has also attended institutes for public-health nurses, giving addresses and conducting classes.

The accountant has visited all the States accepting Federal funds and has audited the accounts of all co-operating State agencies.

### CONFERENCE OF STATE DIRECTORS

After a period of co-operation in Federal and State maternity and infancy activities, it was felt that a meeting devoted to the discussion of problems confronting the different States would be beneficial. The directors of all of the State bureaus of child hygiene were therefore asked to attend a conference at the Children's Bureau in Washington (September 19 to 21, 1923). Representatives from 40 States were in attendance, including two from States not co-operating under

<sup>1</sup> Extract from *U.S. Children's Bureau Publication No. 146* (Washington, 1925), p. 44.



the Federal maternity and infancy act. No formal papers were presented, opportunity being given instead for general discussion on the subjects listed in an outline program. At the request of the State directors the following topics were discussed: Prenatal care (distribution of literature, consultation facilities, public-health nursing), confinement care (hospital, home, midwife), postnatal care (rest, infant feeding, discharge examination); early birth registration; health conferences (methods and standards); nutrition work for the preschool child; dental hygiene; public-health nurses (ways of increasing number and decreasing turnover; training, extent of activities in maternity and infancy programs); development of county "projects" and relative value of projects undertaken on small budgets; co operation of the medical profession; utilization of lay workers; methods and value of surveys.

#### **7. One Proposal for a Federal Department of Public Welfare<sup>1</sup>**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled;*

That there is hereby created an executive department to be known as the Department of Public Welfare, with a Secretary of Public Welfare, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$12,000 per annum, and whose term and tenure of office shall be like that of the heads of other executive departments; and section 158 of the Revised Statutes is hereby amended to include said department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The Secretary of Public Welfare shall cause a seal of office to be made for the Department of Public Welfare of such device as the President shall approve, and judicial notice shall be taken of the said seal.

SECTION 2. That there shall be in the Department of Public Welfare three Assistant Secretaries of Public Welfare, to be appointed by the President, by and with the advice and consent of the Senate. Each Assistant Secretary shall perform such duties as may be prescribed by the Secretary or required by law and shall receive a salary of \$7,500 per annum. There shall also be a solicitor, a chief clerk, and a disburs-

<sup>1</sup> "A Bill to Create the Department of Public Welfare and for Other Purposes" (May 17, 1921), Senate Bill 1839 (U.S. Sixty-seventh Congress, 1st sess.).

ing clerk, and such other clerical assistants as may from time to time be authorized by Congress.

SEC. 3. That the Department of Public Welfare shall be vested with jurisdiction and control over the bureaus, offices, and branches of the public service hereinafter specified. All unexpended appropriations which shall be available at the time when this Act takes effect in relation to the various bureaus, offices, and branches of the public service, which are by this Act transferred to or included in the Department of Public Welfare or which are abolished by this Act, and their authority, powers, and duties transferred to the Department of Public Welfare, shall become available for expenditure in and by the Department of Public Welfare and shall be treated the same as if said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Public Welfare, under the direction of the Secretary of Public Welfare.

SEC. 4. a) That the following-named bureaus, offices, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Interior, and all that pertains to the same, known as the Office of Indian Affairs, the United States Indian Service, the Bureau of Pensions, the Bureau of Education, Saint Elizabeths Hospital, Howard University, and Freedmen's Hospital, are hereby transferred from the Department of the Interior to the Department of Public Welfare, and the same shall hereafter be and remain under the jurisdiction and supervision of the last-named department; *Provided*, That the Board of Indian Commissioners is hereby abolished, and the authority, powers, and duties conferred and imposed by law upon said board shall cease and terminate. The official records and papers now on file in and pertaining exclusively to the business of the Board of Indian Commissioners, together with the furniture, equipment, and other property now in use by said board, shall be transferred to the custody of the Secretary of Public Welfare.

b) That the following-named bureaus, offices, and branches of the public service now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Bureau of War Risk Insurance, the Office of the Surgeon General of the Public Health Service, and the Public Health Service, are hereby transferred from the Department of the Treasury to the Department of Public Welfare, and the same shall hereafter be and remain under the jurisdiction and supervision of the last-named department. The Public Health Service shall hereafter be charged with the collection of the

statistics of the births and deaths in registration areas as required under the provisions of section 8 of the Act approved March 6, 1902, entitled "An Act to provide for a permanent Census Office," as amended.

c) That the United States Employees' Compensation Commission is hereby abolished, and the authority, powers, and duties conferred and imposed by law upon said commission shall be held, exercised, and performed by the Bureau of Pensions, under the general direction of the Secretary of Public Welfare.

d) That the Federal Board for Vocational Education is hereby abolished, and the authority, powers, and duties conferred and imposed upon said board by the Act of February 23, 1917, entitled "An Act to provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," as amended, shall be held, exercised, and performed by the Bureau of Education, under the general direction of the Secretary of Public Welfare. The authority, powers, and duties conferred and imposed upon the Federal Board for Vocational Education under the provisions of the Act approved June 27, 1918, entitled "An Act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," as amended, and all other authority, powers, and duties conferred and imposed by law upon said board, shall be held, exercised, and performed by the Secretary of Public Welfare through such instrumentalities of the Department of Public Welfare as may be decided upon by him, with the approval of the President.

e) That the United States Interdepartmental Social Hygiene Board is hereby abolished; and the authority, powers, and duties conferred and imposed by law upon said board shall be held, exercised, and performed by the Surgeon General of the Public Health Service under the general direction of the Secretary of Public Welfare.

f) That the National Home for Disabled Volunteer Soldiers, and all that pertains to the same, is hereby placed under the jurisdiction and made a part of the Department of Public Welfare. The Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby abolished; and the authority, powers, and duties conferred and imposed by law upon said board shall be held, exercised, and per-

formed by the Secretary of Public Welfare: *Provided*, That all officers of the National Home for Disabled Volunteer Soldiers shall be appointed solely by the President, when practicable, from the retired list of the United States Army, and they shall perform their duties under the general direction of the Secretary of Public Welfare.

g) That the authority, powers, and duties conferred and imposed upon the Secretary of the Interior by chapter 5 of the Revised Statutes, as amended, with relation to the Columbia Institution for the Deaf, shall be held, exercised, and performed by the Secretary of Public Welfare; and the Secretary of Public Welfare shall be ex officio a director of the Columbia Institution for the Deaf, in addition to the directors whose appointment has heretofore been provided by law.

SEC. 5. That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, or branch of the public service which is transferred by this Act to the Department of Public Welfare, or which is abolished by this Act and its authority, powers, and duties transferred to the Department of Public Welfare, together with the furniture, equipment, and other property now in use in such bureau, office, or branch of the public service, are hereby transferred to the Department of Public Welfare.

SEC. 6. That the Secretary of Public Welfare shall have charge, in the buildings and premises occupied by or appropriated to the Department of Public Welfare, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business. Until other suitable quarters are provided, the Department of Public Welfare shall occupy the buildings and premises now occupied by the bureaus, offices, and branches of the public service which are by this Act transferred to or included in said department, or which are abolished by this Act and their authority, powers, and duties transferred to said department. The officers, clerks, and employees now employed in or under the jurisdiction of any bureau, office, or branch of the public service which is by this Act transferred to or included in the Department of Public Welfare, or which is abolished by this Act and its authority, powers, and duties transferred to said department, are each and all hereby transferred to said department at their present grades and salaries. All laws prescribing the work and defining the duties of the several bureaus, offices, and branches of the public service which are by this Act transferred to the Department of Public Welfare, or which are abolished by this Act and their authority, powers, and duties transferred to said department shall, so far as the

same are not in conflict with the provision of this Act, remain in full force and effect until otherwise provided by law.

SEC. 7. That all authority, powers, and duties now held, exercised, and performed by the head of any executive department in and over any bureau, office, officer, or branch of the public service which is by this Act transferred to the Department of Public Welfare, or which is abolished by this Act and its authority, powers, and duties transferred to said department, or in and over any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, office, officer, or branch of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised and performed by the Secretary of Public Welfare.

SEC. 8. That the Secretary of Public Welfare is hereby given power and authority to make, subject to the approval of the President, such changes in the organization of the bureaus, offices, or other branches of the public service by this Act transferred to or included in the Department of Public Welfare as may be essential to economical and effective administration; and he is hereby authorized and empowered to reorganize or consolidate, with the approval of the President, any of the bureaus, offices, or other branches of the public service under his jurisdiction, and to set up such divisions, offices, and districts as may be required to carry out the provisions of this Act: *Provided*, That any action taken under the provisions of this section, with the reasons therefor, shall be specially reported to Congress at each regular session.

SEC. 9. That the Secretary of Public Welfare shall make annually, at the close of each fiscal year, a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, describing the work done by the department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He also shall make from time to time such special investigations and reports as may be required of him by the President or either House of Congress, or as he himself may deem necessary and urgent.

SEC. 10. That this Act shall take effect July 1, 1921, but appointments to offices herein created may be made prior to that date, to take effect July 1, 1921.

**8. President Harding's Plan for the Reorganization  
of the Executive Departments<sup>1</sup>**

THE WHITE HOUSE  
WASHINGTON, February 13, 1923

MR. WALTER F. BROWN  
*Chairman Joint Committee on the  
Reorganization of Government Departments,  
Washington, D.C.*

MY DEAR MR. BROWN:

I hand you herewith a chart which exhibits in detail the present organization of the Government departments and the changes suggested after numerous conferences and consultations with the various heads of the executive branch of the Government. The changes with few exceptions, notably that of co-ordinating all agencies of national defense, have the sanction of the Cabinet. In a few instances, which I believe are of minor importance, the principle of major purpose has not been followed to the letter, in order to avoid controversies which might jeopardize reorganization as a whole.

Permit me to repeat what I have said to the members of the Joint Committee on Reorganization that I regret deeply the delay in placing our suggestions in your hands. It has been caused solely by the difficulty which has been encountered in reconciling the views of the various persons charged with the responsibility of administering the executive branch of the Government.

With the earnest hope that the suggestions submitted may be of material assistance to the committee in performing its most important task, I am,

Very truly yours,

WARREN G. HARDING

OUTLINE OF THE REORGANIZATION PLAN RECOMMENDED BY  
THE PRESIDENT AND THE CABINET

SUMMARY OF RECOMMENDATIONS

The outstanding recommendations are as follows:

- I. The co-ordination of the Military and Naval Establishments under a single Cabinet officer, as the Department of National Defense.
- II. The transfer of all nonmilitary functions from the War and Navy Departments to civilian departments—chiefly Interior and Commerce.
- III. The elimination of all nonfiscal functions from the Treasury Department.
- IV. The establishment of one new department—the Department of Education and Welfare.

<sup>1</sup> Extract from "Senate Document 302," U.S. Sixty-seventh Congress (4th sess.)

- V. The change of the name of the Post Office Department to Department of Communications.
- VI. The attachment to the several departments of all independent establishments except those which perform quasi-judicial functions or act as service agencies for all departments.

#### THE MORE IMPORTANT CHANGES, BY DEPARTMENTS

##### STATE DEPARTMENT

- a) The Bureau of Insular Affairs is transferred from the War Department to the Department of State.

##### TREASURY DEPARTMENT

- a) The General Accounting Office, now an independent establishment, is transferred to the Treasury Department.
- b) The following bureaus, now in the Treasury Department, are transferred to other departments, as noted:

Bureau or office	Transferred to
Bureau of the Budget.....	Independent establishment
General Supply Committee.....	Independent establishment*
Public Health Service.....	Education and Welfare
Coast Guard.....	Commerce, Defense†
Supervising Architect's Office.....	Interior

\* A Bureau of Purchase and Supply is proposed, to be an independent establishment. It would assume the functions now performed by the General Supply Committee.

† The Coast Guard is now composed of the former Revenue Cutter and Life Saving Services (consolidated by the act approved January 28, 1915). It is proposed that the Revenue Cutter Service shall be transferred to the Naval Establishment (Department of Defense) and the Life Saving Service to the Department of Commerce.

##### DEPARTMENT OF THE INTERIOR

- a) The Interior Department is given two major functions: The administration of the public domain and the construction and maintenance of public works. The subdivisions of the department are grouped accordingly under two Assistant Secretaries.
- b) The educational and health activities of the department, including the Bureau of Education, Indian Schools, Howard University, the Columbia Institution for the Deaf, St. Elizabeths Hospital, and Freedmen's Hospital, together with the Bureau of Pensions, are transferred to the new Department of Education and Welfare.
- c) The Bureau of Mines<sup>1</sup> and the Patent Office are transferred to the Department of Commerce.

<sup>1</sup> Except the Government fuel yards, which is to become a part of the proposed Bureau of Purchase and Supply (independent).

d) The nonmilitary engineering activities of the War Department<sup>1</sup> are transferred to the Department of the Interior, as is also control over the National Military Parks.

e) The Supervising Architect's Office is transferred from the Treasury Department to the Department of the Interior.

f) The Bureau of Public Roads is transferred from the Department of Agriculture to the Department of the Interior.

g) The functions of the Federal Power Commission, an independent establishment, are transferred to the Department of the Interior.

#### DEPARTMENT OF JUSTICE

a) The solicitors of the several departments, now nominally under the control of the Department of Justice, are transferred to the department to which they are respectively attached.

b) The Office of the Alien Property Custodian, now an independent establishment, is transferred to the Department of Justice.

c) The administration of United States prisons is transferred from the Department of Justice to the Department of Education and Welfare. . . .

#### DEPARTMENT OF LABOR

a) The functions of the Women's and Children's Bureaus, except such as relate to women and children in industry, are transferred to the Department of Education and Welfare.

#### DEPARTMENT OF EDUCATION AND WELFARE

a) This is a new department, to have four major subdivisions, each in charge of an Assistant Secretary, as follows:

Education	Social Service
Health	Veteran Relief

b) Existing bureaus and offices to be transferred to the Department of Education and Welfare are as follows:

From the Department of the Interior:

Bureau of Education	St. Elizabeths Hospital
Indian schools	Freedmen's Hospital
Howard University	Bureau of Pensions

From the Department of Labor:

Women's Bureau (part)	Children's Bureau (part)
-----------------------	--------------------------

From the Treasury Department:

Public Health Service

<sup>1</sup> See (b) under War and Navy Departments, above.



From the War Department:

Soldiers' Home

From the Department of Justice:

Office of the Superintendent of Prisons

Independent establishments:

Smithsonian Institution<sup>1</sup>

Federal Board for Vocational Education

National Home for Disabled Volunteer Soldiers

Columbia Institution for the Deaf

Veterans' Bureau

#### INDEPENDENT ESTABLISHMENTS

a) To the greatest possible extent, the existing independent establishments have been placed under the administrative supervision of some department. Only those remain which are quasi-judicial in character, necessitating a board or commission form of organization, or which perform a service function for all branches of the Government. These are as follows:

Commissions, boards, etc.: Civil Service Commission; Shipping Board, Emergency Fleet Corporation; Tariff Commission; Interstate Commerce Commission; Federal Trade Commission; Federal Reserve Board; War Finance Corporation; Coal Commission; Railroad Administration; Railroad Labor Board; World War Foreign Debt Commission

Service bureaus and offices: Bureau of the Budget; Government Printing Office; Bureau of Efficiency; Bureau of Purchase and Supply, Government Fuel Yards.

### 9. A National Conference Committee Proposes a Federal Bureau<sup>2</sup>

The ever-admirable preamble to the national constitution sums up the objects of its establishment. After naming the irreducible elements of government,—“justice,” “domestic tranquillity,” and “the common defence,”—it proposes “the general welfare.” This phrase, ambiguous in terms, has been held to import the general well-being of the states as

<sup>1</sup> There is some doubt, considering the legal character of the Smithsonian Institution, whether it can be incorporated in a Government department. Its functions, however, are in harmony with those of the proposed Department of Education and Welfare, and the propriety of its inclusion therein is unquestioned, if it can legally be accomplished.

<sup>2</sup> Extract from William W. Folwell, Fred H. Wines, and Robert W. Hebbard, “Report of the Committee on Legislation,” *Proceedings of the National Conference of Charities and Correction at the Twenty-eight Annual Session* (Washington, D.C., 1901), pp. 113-17.

politically united, not of the people socially and distributively. Congress is not authorized to assume in the states those general police powers which secure the health and safety of the people and promote their culture. The protection of person and property, the family relations, the education of the young, highways, the public health, and the care of unfortunates are under the guardianship of and a charge upon the states. May the rights of the states to exercise all such powers and fulfil the obligations accordant therewith forever remain undiminished!

For a hundred years and more the several states have been engaged in legislation in regard to unfortunates. There is an enormous mass of statutes and ordinances relating to the punishment of crimes and misdemeanors, the care of the poor and infirm, the cure or custody of the insane, the idiotic, the inebriate, and the epileptic, and the education of defectives, to say nothing of accompanying "judge-made law." Under these laws innumerable experiments in administration have been made. Thousands of penal and charitable institutions dot the map, and an army of people do faithful service therein. These exist and serve in state groups, and present all varieties of organization and efficiency. There is a wilderness of systems, experiments, precedents, records, statistics,—all waiting, for what? You have anticipated the obvious answer. For collection, discussion, arrangement, and diffusion. "Wanted, then," we may advertise, "a clearing-house of charities and corrections for these United States, so long disunited in regard to these great interests."

Assembled under the shadow of the national capitol, may it not be both timely and appropriate for the Conference to inquire whether there is not a special field within which the national government may beneficently act without trespassing upon the domain of state activity?

The foundation for the answer to such a question has already been laid by the establishment of a policy consistent with the principle just announced of national co-ordination of state activity. A few examples will sustain this proposition.

Our great fundamental industry, agriculture, had been so developed, chiefly through the applications of science, by the middle of the last century that demands came from many quarters for a central agency, which should collect and distribute a huge mass of facts and truths known to exist, but practically inaccessible. This call, repeated and intensified, sounded above the war-drums of the civil war. A tardy Congress, by act of May 15, 1862, established the Bureau of Agriculture, declaring its object to be "to acquire and diffuse . . . useful

information on subjects connected with agriculture in the most general and comprehensive sense of that word." The subsequent history and present status of this bureau are known to all.

The great struggle referred to was barely over when another interest of universal concern developed under state auspices, was demanding the beneficent interference of the national government in a similar way. By a law approved March 2, 1867, the Bureau of Education was created. The phrasing of the act is interesting, . . . "to collect facts and statistics showing the condition and progress of education in the several states, and to diffuse . . . information respecting the organization and management of schools and school systems, and methods of teaching." The splendid series of publications emanating from the Bureau of Education, already indispensable to every student of pedagogy, bears ample testimony to the wisdom of Congress, and to the intelligence and industry of the gentlemen who have been charged with its administration.

It is a curious fact worth momentary notice that our first Commissioner of Education in these annual reports undertook to collect facts relating to the insane, the idiotic, and the deaf, dumb, and blind, and argued in the body of his first report that the culture, if not the maintenance, of these classes falls legitimately within the province of his bureau.

A few years later Congress was constrained to respond to a third call loud and clear for the same kind of service, and the Bureau of Labor was brought into being by act of June 27, 1884.

The function of this bureau as fixed by the law is to "collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity." The contributions of this bureau, soon elevated into a department of the government, need no eulogy.

Further examples are unnecessary. In the instances cited we find the same phenomena,—a vast interest of universal concern; state and local initiative and administration; a wide and deep felt need of co-ordination by means of a central bureau, and Congress under its constitutional power to promote the general welfare, creating the necessary bureaus. In all the cases, state initiative is not discouraged, but supplemented and assisted. It may be added that the national government is the only possible agency for such service. No other organization has the means, the motive, the prestige, or the power.

The argument of this report may now be rapidly concluded. That there is an appropriate field for national action promotive of general welfare will not be questioned. That such action has become traditional, resulting in an established policy, is not open to debate.

This Conference does not need to be informed that in the province of charities and corrections lies a vast, disordered mass of facts, experiments, successes, and failures, which need to be collected and marshalled for general use. Your committee, therefore, beg leave to announce it as their conclusion that there ought to be established here at the seat of the national government a Bureau of Charities and Corrections, with powers and functions substantially the same as those intrusted to the Departments of Agriculture, Labor, and Education (as it ought to be). To collect and diffuse information relating to charities and corrections would be the comprehending purpose of such a bureau. To elaborate before this body a scheme of details would be altogether superfluous, and to embody one in a statute should not be thought of. Let the general authority be given, particular subjects for investigation and report will present themselves spontaneously and in such number and variety that great discretion will be needed to prevent dissipation of effort and resources. Such propositions as the regulation of the inter-migration of paupers and criminals and the maintenance of a central office for the identification of criminals by the Bertillon method present themselves immediately.

One suggestion, however, may without impertinence be ventured, that the collection, interpretation, and publication of statistics should from the outset be the leading specialty. The lack of trustworthy figures in the field of charities and corrections is known and felt by all who are conversant with it. Our highest authority in criminology has been obliged to state publicly that we have no statistics of crime of much value. Of judicial statistics we have in our country none. The case can be little better in any other quarter of the field. The inadequacy of the figures of the best of the federal censuses, based as they are on inquiries made at the end of a census year, and not on contemporary registration, is recognized and deplored by statisticians.

It would naturally become the office of the contemplated bureau to take the leading part in reforming the methods of observation, record, and return in all the statistical specialties within its province. Its obvious principle of action would be to invite the co-operation of state, local, and private agencies.

The success which has attended the corresponding work of the

Bureau of Education is sufficient warrant for expecting like friendly contributions. Under American circumstances and temperament, attempts to compel the co-operation of agencies constitutionally independent would prove abortive. So dominant is the importance of the clearing-house feature of the proposed national bureau that it might be well if little else were undertaken in its earlier years. It would be easy to dissipate its resources on a multitude of investigations which immediately suggest themselves to any one who allows his mind to play around the subject.

Your committee, therefore, find in favor of a bureau rather than a Board of Charities and Corrections, or a "Board of Control."

While suggesting a limited and modest extension of the general welfare policy of the national government, your committee are aware that they are proposing a new step in a constitutional development which was never in the minds of the framers of our organic law, but which ought soon to enter the consciousness of the people.

It is an elementary theorem of plane geometry that through any three points in a plane not in a straight line a circumference can be drawn. In fact, the circle so bounded exists as a conception, whether the curve be physically drawn or not.

When Congress successfully created the bureaus of Agriculture, Education, and Labor, it drew a charmed circle within which an indefinite number of similar intelligence offices may be instituted. One of them is the subject of present consideration. . . .

In an ideal view of our Constitution as developed, the leading office of the national government should in the good time coming be the promotion of the general welfare by maintaining a great clearing house of information of common interest to the people. An intelligent and interested application of this ideal would hasten its possible realization

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